

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

JOHN HANCOCK LIFE INSURANCE
COMPANY, JOHN HANCOCK
VARIABLE LIFE INSURANCE
COMPANY and MANULIFE
INSURANCE COMPANY,

Plaintiffs,

v.

ABBOTT LABORATORIES,

Defendant.

CIVIL ACTION NO. 05-11150-DPW

ABBOTT'S CORRECTED DEPOSITION DESIGNATIONS FOR MARK L. HAIR

Defendant Abbott Laboratories ("Abbott") respectfully submits the attached corrected deposition designations for the November 2, 2006 and May 8, 2007 depositions of Mark L. Hair, Partner, The StoneTurn Group.

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Dated: February 22, 2008

Respectfully submitted,

ABBOTT LABORATORIES

By: /s/ Eric J. Lorenzini
Eric J. Lorenzini

Jeffrey I. Weinberger (*pro hac vice*)
Gregory D. Phillips (*pro hac vice*)
Eric J. Lorenzini (*pro hac vice*)
Ozge Guzelsu (*pro hac vice*)
MUNGER, TOLLES & OLSON LLP
355 South Grand Avenue, Thirty-Fifth
Floor
Los Angeles, CA 90071-1560
Tele: (213) 683-9100

and

Peter E. Gelhaar (BBO#188310)
Michael S. D'Orsi (BBO #566960)
DONNELLY, CONROY &
GELHAAR LLP
1 Beacon St., 33rd Floor
Boston, Massachusetts 02108
(617) 720-2880
peg@dcglaw.com
msd@dcglaw.com

Counsel for Abbott Laboratories

CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on February 22, 2008.

Date: February 22, 2008

/s/ Ozge Guzelsu

Mark Hair Deposition Designations

Depo Date	Witness	Hancock Designation	Abbott Counter Designation	Abbott Designation	Deposition Exhibit	Plaintiff Exhibit	Defendant Exhibit
11/02/06	Hair, Mark			9:3-9:15			
11/02/06	Hair, Mark			44:19-46:2			
11/02/06	Hair, Mark			57:17-57:20			
11/02/06	Hair, Mark			58:2-58:4			
11/02/06	Hair, Mark			58:16-59:11	1		692
11/02/06	Hair, Mark			64:17-65:19			
11/02/06	Hair, Mark			66:8-67:1			
11/02/06	Hair, Mark			68:13-68:22			
11/02/06	Hair, Mark			70:17-71:3			
11/02/06	Hair, Mark			71:7-71:14			
11/02/06	Hair, Mark			72:16-73:5			
11/02/06	Hair, Mark			73:13-74:5			
11/02/06	Hair, Mark			74:13-75:10			
11/02/06	Hair, Mark			75:17-75:23			
11/02/06	Hair, Mark			79:14-79:20			
11/02/06	Hair, Mark			86:10-87:8			

Depo Date	Witness	Hancock Designation	Abbott Counter Designation	Abbott Designation	Deposition Exhibit	Plaintiff Exhibit	Defendant Exhibit
11/02/06	Hair, Mark			89:1-89:8			
11/02/06	Hair, Mark			89:12-89:18			
11/02/06	Hair, Mark			90:1-91:1			
11/02/06	Hair, Mark			91:6-92:15			
11/02/06	Hair, Mark			93:15-96:2			
11/02/06	Hair, Mark			96:9-97:7			
11/02/06	Hair, Mark			97:12-97:23			
11/02/06	Hair, Mark			98:8-99:20			
11/02/06	Hair, Mark			100:15-101:23			
11/02/06	Hair, Mark			102:6-102:17			
11/02/06	Hair, Mark			104:14-105:8			
11/02/06	Hair, Mark			107:3-108:4			
11/02/06	Hair, Mark			109:8-111:1			
11/02/06	Hair, Mark			111:11-111:19			
11/02/06	Hair, Mark			123:13-124:9			
10/03/06	Hair, Mark			132:8-133:3			
11/02/06	Hair, Mark			134:24-136:24			
11/02/06	Hair, Mark			137:17-141:13	3		Def. HW

Depo Date	Witness	Hancock Designation	Abbott Counter Designation	Abbott Designation	Deposition Exhibit	Plaintiff Exhibit	Defendant Exhibit
11/02/06	Hair, Mark			142:2-143:8			
11/02/06	Hair, Mark			143:18-143:20			
11/02/06	Hair, Mark			144:2-150:22	4		Def. HX
11/02/06	Hair, Mark			151:17-155:11	2, 5		Def. HY Def. HZ
11/02/06	Hair, Mark			156:9-157:6			
11/02/06	Hair, Mark			163:8-163:11			
11/02/06	Hair, Mark			173:12-173:19			
5/8/07	Hair, Mark			206:8-206:15			
5/8/07	Hair, Mark			210:5-210:22			
5/8/07	Hair, Mark			220:19-221:16			
5/8/07	Hair, Mark			223:13-223:24			
5/8/07	Hair, Mark			225:2-225:14			
5/8/07	Hair, Mark			226:10-227:7			
5/8/07	Hair, Mark			234:17-235:5			
5/8/07	Hair, Mark			237:14-238:7			
5/8/07	Hair, Mark			240:22-245:23	11		LJ
5/8/07	Hair, Mark			250:9-253:18			
5/8/07	Hair, Mark			264:10-265:15	13		LK

Depo Date	Witness	Hancock Designation	Abbott Counter Designation	Abbott Designation	Deposition Exhibit	Plaintiff Exhibit	Defendant Exhibit
5/8/07	Hair, Mark			267:2-268:4			
5/8/07	Hair, Mark			270:24-276:15	15		LL
5/8/07	Hair, Mark			276:20-277:21	16		LM
5/8/07	Hair, Mark			279:16-280:22	17		MA
5/8/07	Hair, Mark			282:19-283:14			
5/8/07	Hair, Mark			286:20-287:15			
5/8/07	Hair, Mark			288:1-289:23			
5/8/07	Hair, Mark			291:6-292:24			
5/8/07	Hair, Mark			294:4-294:10			
5/8/07	Hair, Mark			296:14-299:15	18		LN
5/8/07	Hair, Mark			300:22-302:21			
5/8/07	Hair, Mark			302:24-307:10	19		LO
5/8/07	Hair, Mark			307:12-308:9	20		LP
5/8/07	Hair, Mark			309:24-315:9	21		LQ
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5/8/07	Hair, Mark			318:4-319:23	22		LR
5/8/07	Hair, Mark			321:23-325:9	23		628
5/8/07	Hair, Mark			325:10-326:9	24		677

Depo Date	Witness	Hancock Designation	Abbott Counter Designation	Abbott Designation	Deposition Exhibit	Plaintiff Exhibit	Defendant Exhibit
5/8/07	Hair, Mark			329:18- 330:15			
5/8/07	Hair, Mark			332:13- 332:16			

Color Key to Deposition Designations

 **Designation by Plaintiffs**

 **Counter Designation by Defendants**

 **Designation by Defendants**

Hair, Mark L. (Linked) 11/2/2006 9:30:00 AM

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2 Pages : 1 - 197

3 Exhibits: 1 - 6

4 UNITED STATES DISTRICT COURT

5 FOR THE DISTRICT OF MASSACHUSETTS

6 CIVIL ACTION NO. 05-1150DPW

7 ----- x

8 JOHN HANCOCK LIFE INSURANCE COMPANY,

9 JOHN HANCOCK VARIABLE LIFE INSURANCE COMPANY,

10 and MANULIFE INSURANCE COMPANY

11 (f/k/a INVESTORS PARTNER INSURANCE COMPANY),

12 Plaintiffs,

13 V.

14 ABBOTT LABORATORIES,

15 Defendant.

16 ----- x

17 C O N F I D E N T I A L

18 VIDEOTAPED DEPOSITION OF MARK L. HAIR

19 Thursday, November 2, 2006, 9:30 a.m.

20 Donnelly, Conroy & Gelhaar

21 One Beacon Street

22 Boston, Massachusetts

23 Reporter: Rosemary F. Grogan, CSR, RPR

24

1 MR. GRIESINGER: Thank you.

2 BY MR. LORENZINI:

3 Q. Mr. Hair, could you tell me what your

4 education has been since high school?

5 A. I attended Brigham Young University, where I

6 studied accounting.

7 Q. Any other education since high school?

8 A. I received two degrees while attending that

9 university.

10 Q. What were those two degrees?

11 A. Bachelor of science in accounting and a

12 master's of accountancy.

13 Q. And when did you graduate from BYU?

14 A. Both degrees were awarded concurrently in

15 December of 1995.

16 Q. And have you had any formal education since
17 1995?

18 A. I have had a lot of education since 1995.

19 I've attended several courses and trainings, but as far
20 as university, I guess I'm not sure what you're asking.

21 Q. Have you received any degrees since 1995?

22 A. I have not received any further degrees since
23 then.

24 Q. Have you attended any universities since 1995?

1 it --

2 MR. LORENZINI: Correct.

3 MR. GRIESINGER: -- or are you just saying --

4 because he already said he wasn't there. So you

5 know he doesn't personally know anything.

6 BY MR. LORENZINI:

7 Q. And based on your communications, you don't

8 know the specifics -- you didn't learn anything about

9 the specifics of the communication from others at

10 Deloitte?

11 MS. COLLARI TROAKE: Objection. I think he

12 said he didn't recall.

13 A. I don't recall.

14 Q. You'll be relieved to know that I'm finally

15 turning to your post-Deloitte work.

16 We have covered all your positions,

17 correct, at Deloitte & Touche; is that correct?

18 A. Yes.

19 Q. So senior manager was your last position at

20 Deloitte & Touche?

21 A. Correct.

22 Q. What was your next employment after Deloitte &

23 Touche?

24 A. I left Deloitte & Touche and was hired by

1 StoneTurn Group.

2 Q. When were you hired by StoneTurn Group?

3 A. December 2004.

4 Q. What was your initial position at StoneTurn
5 Group?

6 A. My initial position was managing director.

7 Q. And what were your responsibilities as
8 managing director?

9 A. Generally, a managing director was responsible
10 for supervising staff in a variety of matters that we
11 were involved in and having direct contact with clients,
12 supervising staff as well as the matters.

13 Q. What was your next position, if any, after
14 managing director?

15 A. I'm still a managing director today.

16 Q. Do you know when StoneTurn was formed?

17 A. It was formed before I was hired.

18 Q. Do you know how long before you were hired it
19 was formed?

20 A. I'm told it was sometime around April 2004,
21 perhaps March 2004. I don't know exactly.

22 Q. What type of work is performed by StoneTurn?

23 MS. COLLARI TROAKE: Objection.

24 A. StoneTurn Group is involved in a variety of

1 consulting-related matters, many of which are dispute
2 consulting related.

3 Q. What do you mean by dispute consulting
4 related?

5 A. Similar as to what I discussed about Deloitte
6 & Touche. Many of us at StoneTurn, although not all,
7 came from Deloitte & Touche and performed similar
8 services and consulting at StoneTurn Group similar to
9 what we provided and did at Deloitte & Touche.

10 Q. Do you mean similar to the services you
11 provided with respect to disputes? Let me clarify.

12 You mentioned a number of different
13 responsibilities at Deloitte; some of which involved
14 financial audits; some of which involved consulting
15 companies that were involved in disputes.

16 When you say you did similar work, are
17 you referring to the dispute consulting aspect of the
18 Deloitte & Touche or the financial audit aspect?

19 A. Generally, the consulting versus or as opposed
20 to the financial audit function. But again, it's not
21 solely dispute-related, meaning there are other projects
22 that are not necessarily in litigation that we may be
23 involved in.

24 Q. Do those projects generally involve

1 Q. Do you know if StoneTurn prepared an expert
2 witness report?

3 A. I don't believe an expert witness report was
4 prepared in that matter.

5 Q. I want to turn to the matter involving the
6 dispute between Hancock and Abbott.

7 Did you participate in an audit of Abbott
8 by John Hancock?

9 A. An audit as defined -- can you define audit?

10 Q. Let's start a little more broadly.

11 Did there come a time when you performed
12 work that involved a review of the John Hancock and
13 Abbott contract?

14 MS. COLLARI TROAKE: Objection.

15 A. Can you ask the question again? I'm sorry.

16 Q. Okay. Maybe I'll go back to the audit first.

17 Did there come a time when StoneTurn was
18 retained by John Hancock or Choate Hall & Stewart to
19 perform work involving a contract with Abbott?

20 A. That's my understanding, yes.

21 Q. Do you know, and don't speculate if you don't
22 know, but do you know whether, in that matter, StoneTurn
23 was retained by Choate Hall & Stewart or by John
24 Hancock?

1 A. I don't know specifically. I don't recall.

2 Q. When did your personal involvement in the John
3 Hancock/Abbott matter begin?

4 A. January 2005.

5 Q. And when did your involvement in the John
6 Hancock/Abbott matter end, putting aside the deposition
7 today?

8 A. I don't know if it's ended. I...

9 Q. When was the last time you -- again, putting
10 aside preparation for this deposition, when was the last
11 time you billed time to the John Hancock/Abbott matter?

12 MS. COLLARI TROAKE: Objection. I'm not clear
13 as to what you mean by the Abbott/Hancock matter.
14 Maybe you can clarify that.

15 BY MR. LORENZINI:

16 Q. What, to your knowledge, was StoneTurn
17 retained to do with respect to the contract between John
18 Hancock and Abbott?

19 A. It's my understanding that StoneTurn was
20 retained prior to me even being an employee of
21 StoneTurn, but I would refer back to a letter from John
22 Hancock that was written to Abbott in April of 2004.

23 MR. LORENZINI: Could you mark this as Hair
24 Exhibit 1?

1 (Exhibit No. 1 Marked for Identification)

2 BY MR. LORENZINI:

3 Q. Mr. Hair, you have before you a document

4 that's marked as Hair Exhibit No. 1. It appears to be a

5 letter dated April 12, 2004 from Stephen Blewitt to

6 James Tyree, with an attached Schedule A.

7 Do you recognize this document?

8 A. Yes.

9 Q. What is this document?

10 A. As you described, it's a letter from Stephen

11 Blewitt to James Tyree.

12 Q. And does this letter describe accurately the

13 purpose of the audit to be conducted by John Hancock of

14 Abbott?

15 MS. COLLARI TROAKE: Objection. The letter is

16 four single-spaced pages long. Did you want to

17 take your time to read it and then answer the

18 question?

19 BY MR. LORENZINI:

20 Q. Sure, go ahead. You can review it.

21 A. And what is the question?

22 Q. Does this letter accurately describe the scope

23 of the audit requested by John Hancock of Abbott?

24 MS. COLLARI TROAKE: Objection.

1 MR. GRIESINGER: Okay.

2 A. And what is the question?

3 Q. Was it your understanding that when this
4 sentence says, Attached hereto as Schedule A is a
5 preliminary list of those categories of books and
6 records that John Hancock reasonably expects will be
7 made available for its inspection and audit of these
8 matters, that Of These Matters is a reference to Nos. 1
9 through 7 above?

10 A. I don't recall in January of '05 what I
11 believe that sentence to mean or not. I have no
12 recollection of that.

13 Q. Was it your understanding that the subject
14 matter of the audit -- and I want to be clear here, I'm
15 distinguishing between the books and records requested
16 by John Hancock and the subject matter of the audit.

17 Was it your understanding that the
18 subject matter of the audit is as described in numbers
19 one through seven of this letter?

20 A. In reading this letter today, as I sit here,
21 it appears as though the letter outlines seven matters
22 which would be the subject of an inspection and audit
23 related to the books and records of Abbott.

24 Q. And at the time you worked on the audit, were

1 you aware of any other subject matters that were at
2 issue in the audit other than the seven listed here?

3 MS. COLLARI TROAKE: When he first?

4 BY MR. LORENZINI:

5 Q. At any time during your audit of that Abbott.

6 A. So from January 2005 until today, am I aware
7 of any additional matters related to the audit?

8 Q. Well, let's be a little more precise.

9 In the course of your audit of Abbott --

10 A. Mm-hmm.

11 Q. -- was it your understanding that the subject
12 matter of the audit was as set forth in numbers one
13 through seven of this letter?

14 THE WITNESS: Can you read that question back
15 for me?

16 (Record Read)

17 A. My understanding was as of April 12, 2004,
18 this was the scope as it related to the inspection and
19 audit of books and records at Abbott.

20 Q. And during your work on the audit, did the
21 scope ever differ from what is described in numbers one
22 through seven of this letter?

23 A. There are activities that I was involved in,
24 that are not specifically outlined in these seven items.

1 Q. I'm not sure what you mean by activities. But
2 I'm just concerned with the subject matter, not the
3 specific activities that you might have done in
4 performing the audit, but the purpose or the subject
5 matter of the audit.

6 Do you understand the distinction?

7 A. I'm not sure if I do.

8 Q. Maybe you can describe for me what activities
9 you understood to be a part of the audit that are not
10 listed in numbers one through seven?

11 A. I -- my recollection is when I got involved in
12 January 2005, that this letter was provided to me and I
13 understood it as far as what we were looking for, as far
14 as documents in these seven categories or these seven
15 matters as you referred to them. Additionally, I was
16 familiar with Schedule A and the types of documents that
17 had been specifically requested.

18 This was, I would say generally, our
19 scope as far as what I perceived our tasks to be
20 performed beginning in January of that year.

21 Q. And you understood that John Hancock had
22 requested the books and records of Abbott and its
23 subcontractors pertaining to these seven subject
24 matters, correct?

1 A. Based on my reading of this letter, yes.

2 Q. But outside of this letter, did you have any
3 other understanding regarding the documents that Hancock
4 had requested of Abbott?

5 MS. COLLARI TROAKE: Objection.

6 MR. GRIESINGER: Objection.

7 MS. COLLARI TROAKE: And I would just caution
8 you to the extent your answer would include
9 anything that might reveal attorney-client
10 privilege or work product, you should exclude that
11 from your answer.

12 MR. LORENZINI: I'll withdraw the question.

13 BY MR. LORENZINI:

14 Q. Does this letter and attachment accurately
15 describe what you understood to be the books and records
16 requested by John Hancock of Abbott?

17 MS. COLLARI TROAKE: Objection.

18 A. As of what time?

19 Q. Throughout the course of the audit.

20 MS. COLLARI TROAKE: Objection.

21 A. At the time that I got involved in this
22 matter, this compliance review, in January of 2005, I
23 had this letter. And it was my understanding as far as
24 it would be the subject matter for that compliance

1 review.

2 Later, there were additional documents
3 provided in litigation that were not provided during my
4 visits to review these requested documents and I did
5 some additional work reviewing the documents that are
6 Bates numbered that were produced in litigation.

7 Q. You don't know whether those documents that
8 were produced in litigation, were produced by Abbott
9 pursuant to the audit provision before the time you
10 started working on the audit, correct?

11 MS. COLLARI TROAKE: Objection.

12 A. Incorrect.

13 Q. Are you aware that Abbott produced documents
14 prior to your beginning work on the audit in January of
15 2005?

16 A. When you say, Produced, do you mean made
17 available in a warehouse or copied and provided to
18 StoneTurn?

19 Q. I mean made available.

20 A. I am told and I understand that StoneTurn
21 reviewed Abbott documents prior to my involvement in
22 January 2005.

23 Q. Are you aware that Abbott made available
24 hundreds of boxes to StoneTurn prior to your joining the

1 January 2005, correct?

2 MS. COLLARI TROAKE: Objection.

3 A. My understanding was documents were made
4 available in two separate locations. I visited one of
5 those locations on two occasions. In that Mundelein
6 location, there were several pallets which had several
7 boxes, and I was told that those boxes had been made
8 available to StoneTurn previously. They had been looked
9 at by StoneTurn previously. And we were told which
10 boxes were new to be reviewed by StoneTurn.

11 So I was -- it was my understanding that
12 the boxes in that warehouse at that location were made
13 available previously to StoneTurn.

14 Q. But you weren't there when they were
15 originally made available to StoneTurn, correct?

16 A. Correct, I started.

17 Q. So you don't know precisely what documents
18 were made available prior to your joining the audit?

19 A. I don't know precisely.

20 Q. You mentioned that you visited an Abbott
21 warehouse on two occasions?

22 A. Correct.

23 Q. What were those two occasions? Do you
24 remember the dates?

1 A. To the best of my knowledge, it was
2 January 31st and February 1st, 2005, and then again,
3 March 7th through March 9th, 2005.

4 Q. I'll get to some questions regarding those
5 specific visits, but first I want to ask you some more
6 general questions.

7 Just generally, what was your role with
8 respect to Hancock's audit of Abbott?

9 A. I viewed my responsibilities as to assist
10 Chris Martinez on the matter. He had been -- my
11 understanding was he had been retained earlier. In
12 fact, he's quoted in this April 2004 letter.

13 And I was made available to assist him in
14 any way to go through the compliance review.

15 Q. And in the course of assisting him, what types
16 of activities did you perform?

17 A. I went to the facility to look through
18 documents that were made available to StoneTurn. I also
19 was involved in communicating with some people at Abbott
20 as well with respect to the documents, the timing of
21 production.

22 Q. Are there any other activities that you
23 performed in the course of your audit of Abbott?

24 A. Again, I previously referred to some

1 activities that related to documents that were produced
2 in litigation, that Abbott produced in litigation with
3 Bates numbers. I have also looked at those documents.

4 Q. And what was the purpose of your looking at
5 those documents that were produced in litigation?

6 A. Again, to view the documents that had been
7 made available to perform the compliance review, to --
8 and determine what was made available.

9 Q. StoneTurn didn't copy all of the documents
10 that were made available by Abbott, correct?

11 MS. COLLARI TROAKE: Objection.

12 MR. GRIESINGER: They didn't copy any of them;
13 isn't that right?

14 MR. LORENZINI: Let me rephrase the question.

15 BY MR. LORENZINI:

16 Q. StoneTurn didn't request that Abbott provide
17 copies of all of the documents that were made available
18 for review by Abbott, correct?

19 A. That's my understanding, correct.

20 Q. Who else, to your knowledge, was involved in
21 the audit of Abbott other than yourself and Chris
22 Martinez?

23 A. At StoneTurn?

24 Q. At StoneTurn.

1 A. I, again, individuals worked on the matter
2 prior to me joining StoneTurn, so I don't have direct
3 knowledge of that. But I'm told Brian Napper was
4 involved. He's mentioned in this April letter as well.
5 I'm told some other individuals from StoneTurn.

6 Q. Is there an individual employed or formerly
7 employed by StoneTurn named Simon Platt?

8 A. Yes.

9 Q. Do you know if he was involved with the audit
10 of Abbott?

11 A. He was not involved with the audit of Abbott
12 or the compliance review.

13 Q. Is there an individual at StoneTurn named Neal
14 Zoltowski?

15 A. There is.

16 Q. Do you know if he was involved with the audit
17 of Abbott?

18 A. Again, I don't have firsthand knowledge of
19 this, but I believe he may have seen some documents, but
20 I don't know for sure.

21 Q. Is there an individual employed at StoneTurn
22 named Shelley Irvine?

23 A. There was at the time. No longer is she
24 employed at StoneTurn.

1 Q. Do you know if she was involved in any way
2 with the audit of Abbott?

3 A. Again, I don't have firsthand knowledge of it,
4 but I understand she reviewed some of the documents made
5 available by Abbott.

6 Q. Do you know if she ever visited the Abbott
7 facilities to review documents?

8 A. I believe that she did. I had a conversation
9 with her that she did.

10 Q. Do you know -- did she tell you what date she
11 visited Abbott facilities?

12 A. I don't recall.

13 Q. Are you familiar with the someone named Joshua
14 Dennis?

15 A. Yes.

16 Q. Is he employed at StoneTurn?

17 A. Yes.

18 Q. Do you know if he was involved with the Abbott
19 audit?

20 A. Yes.

21 Q. What was his role with respect to the audit --

22 A. He was.

23 Q. -- to your knowledge?

24 A. He was a staff person that visited the

1 Mundelein warehouse with me in March of 2005.

2 Q. To your knowledge, did he have any other role
3 in the Abbott audit other than the visit to the facility
4 in March 2005?

5 A. Certain documents were flagged for Abbott to
6 copy them and make them available to StoneTurn, and I
7 know that he was involved in the collection of the
8 receipt of those documents at StoneTurn and some
9 organization of those documents that had been provided
10 to StoneTurn.

11 Q. What was Brian Napper's role with respect to
12 the Abbott audit, to your knowledge?

13 A. I don't know.

14 Q. Do you know how long he was involved with the
15 Abbott audit?

16 A. I don't know.

17 Q. Do you know if Joshua Dennis is a CPA?

18 A. I don't believe that he is, but I'm not
19 positive of that.

20 Q. Do you know if Neil Zoltowski is a CPA?

21 A. I don't believe Neal is a CPA.

22 Q. Do you know if Shelley Irvine is a CPA?

23 A. I do not believe that Shelley Irvine is a CPA.

24 Q. Did you -- strike that.

1 Q. I assume you're going to follow your
2 attorney's instructions?

3 A. Yes.

4 MR. GRIESINGER: To the extent any
5 pass-through is required, those are also my
6 instructions because the client, in this instance
7 represented by Karen has asserted the privilege or
8 the work-product doctrine.

9 So it's my instruction also.

10 BY MR. LORENZINI:

11 Q. Are you familiar with someone named Michael
12 Arthur Walsh?

13 A. I don't recall. I don't know.

14 Q. In the course of the audit of Abbott, did you
15 have direct contact with individuals employed by Abbott?

16 A. Yes.

17 Q. Which individuals at Abbott did you have
18 contact with?

19 A. I spoke with Carey Crimmens. I also spoke
20 with Michelle Campbell. I believe that's all.

21 Q. For the benefit of the court reporter, could
22 you spell Carey Crimmens' name?

23 A. C-A-R-E-Y. Crimmens, C-R-I-M-M-E-N-S, I
24 believe.

1 I don't recall specifically. Perhaps a
2 box or two started to come in.

3 Q. And can you describe generally the type of
4 documents that you reviewed -- strike that.

5 Can you describe generally the type of
6 documents produced by Abbott that you reviewed prior to
7 visiting the Abbott facility?

8 A. I can't recall.

9 Q. Let's go ahead to your visit to Abbott.

10 What was the date of your first visit to
11 Abbott to review documents?

12 A. I believe it was January 31st and February
13 1st.

14 Q. You were there for two days?

15 A. For two days.

16 Q. And who, if anyone, other than you made that
17 visit to the Abbott facility?

18 A. I believe Chris Martinez was with me as well.

19 Q. Anyone else?

20 A. I don't recall anyone else at that visit.

21 Q. How many boxes of documents did Abbott make
22 available for you to review during that visit?

23 A. I don't recall the number of boxes, although
24 there may be some e-mail correspondence that refer to

1 the number of boxes that were made available, but I
2 don't recall a specific number.

3 Q. You don't recall there were several boxes made
4 available?

5 A. I believe there were several, but I don't know
6 how many. More than one.

7 Q. More than five?

8 A. Likely.

9 Q. What -- strike that.

10 During the first day, January 31st, how
11 long did you spend reviewing the documents?

12 A. I recall that there were certain hours where
13 we could actually be in the warehouse. We were somewhat
14 limited to the number of hours we could review. I don't
15 recall exactly, but I suspect we arrived somewhere
16 between 9:00 and 10:00 in the morning and we left
17 somewhere around 4:00 or 5:00 in the afternoon, so six
18 to eight hours.

19 Q. And when you returned on February 1st, do you
20 recall how many hours you spent reviewing documents?

21 A. I don't recall specifically.

22 Q. Do you recall if it was less than a full day?

23 A. I don't recall. It could have been. I don't
24 know when I traveled, if I traveled that day or the

1 Q. Why don't you tell me generally the type of
2 documents made available by Abbott at any time that you
3 reviewed?

4 A. I reviewed some documents that appeared to be
5 financial in nature; appeared to be spreadsheets. I
6 reviewed some documents that appeared to be PowerPoint
7 presentations. I reviewed documents that appeared to be
8 word documents or memos.

9 Q. Any other types of documents?

10 A. Are you talking about the types of documents
11 or the substance of those?

12 Q. Let's stick with the types. Any other types
13 other than financial PowerPoint and word documents?

14 A. There may have been some system generated,
15 maybe accounting, or other system-generated reports.

16 Q. Any other --

17 A. But that's generally the type of documents.
18 At some point I saw some payroll-related documents.

19 Q. And those had been requested by John Hancock,
20 correct?

21 A. Yes.

22 Q. So you've generally described the type of
23 documents. I want to turn now to the subject matter of
24 the documents.

1 What do you recall generally as the
2 subject matter of the documents that were produced by
3 Abbott?

4 MS. COLLARI TROAKE: Objection. That he
5 reviewed?

6 BY MR. LORENZINI:

7 Q. That you reviewed.

8 A. I reviewed some documents by their title
9 suggested to be status memos. Some documents, including
10 Excel spreadsheets, I was unable to determine what they
11 were per say; meaning that a spreadsheet was printed on
12 multiple pages without any column headings or row
13 headings. It was just a series of pages of numbers.

14 I reviewed documents, PowerPoint
15 documents and others, that in some cases had titles and
16 in other cases didn't. It was sometimes difficult to
17 determine the complete subject matter because of
18 redactions that had taken place on documents. So again,
19 some documents appeared to be PowerPoint presentations;
20 some had titles of different groups within Abbott; some
21 I couldn't tell for sure who the audience was or who
22 necessarily prepared the documents.

23 There were research studies. There were
24 patient documents. There were studies. There were

1 correspondence.

2 Q. Any other documents that you reviewed that
3 were produced by Abbott?

4 A. Are you looking for titles of documents or for
5 me to describe those documents?

6 Q. If you can remember the titles, you can
7 provide me with that. If you only remember the general
8 subject matter, please describe that.

9 A. I would say I have a better recollection the
10 types of documents and subject matter. There were in
11 some cases, what appeared to be, Excel spreadsheets that
12 appeared to be somewhat of a monthly summary or status;
13 my words, not necessarily the title of the document.

14 I saw some spreadsheets as it related --
15 it appeared to relate to some costs and expenditures on
16 some of Abbott's program compounds.

17 Q. Anything else that you can recall?

18 A. I'm sure there are others. I don't recall
19 right now.

20 Q. Specifically?

21 A. Specifically, no.

22 Q. Some of the documents that you reviewed that
23 were produced by Abbott concerned clinical trials of the
24 program compounds that were part of the Research Funding

1 Agreement; is that correct?

2 A. Some of the documents appeared to be related

3 to clinical trials, yes.

4 Q. And some of the documents reflected

5 expenditures by Abbott on development of the program

6 compounds?

7 A. Some of the documents included amounts that

8 purported to be expenditures by Abbott.

9 Q. Did you personally review documents produced

10 by Abbott concerning out-licensing of any of the program

11 compounds?

12 A. Yes, I reviewed some correspondence, draft

13 correspondence, from Abbott. And in some cases, I

14 wasn't sure if they were formal or finalized letters,

15 but I saw some letters.

16 Q. Did you review documents personally concerning

17 Abbott's projected expenditures on development of the

18 program compounds?

19 A. And this is all in either January or

20 March 2005?

21 Q. At any point, did you ever --

22 A. Including the documents that have been

23 provided in litigation?

24 Q. No, let me clarify.

1 At any point in your personal review of
2 documents produced by Abbott pursuant to the audit
3 provision of the contract, did you review documents
4 concerning Abbott's projected expenditures on the
5 program compounds?

6 MR. GRIESINGER: And you're including copies
7 that may have been provided that somebody else
8 reviewed that would have been later sent in to
9 StoneTurn?

10 BY MR. LORENZINI:

11 Q. Yes. My question concerns your review of
12 documents produced by Abbott as opposed to in the
13 litigation, but I'm not limiting it to your visit to the
14 facility.

15 But at any point did you personally
16 review documents that related to Abbott's projected
17 expenditures on the program compounds?

18 A. Yes, I reviewed documents; some of them which
19 appeared to be Excel spreadsheets, which included
20 planned spending.

21 Q. Can you describe those documents with any
22 greater specificity?

23 A. I recall certain documents seemed to be
24 designated as an APU, which I believe referred to an

1 April planning update. I recall one of those APU
2 documents, including expected expenditure or spending
3 numbers that included both nominal and expected spending
4 numbers. I also -- I can't recall if they were provided
5 by Abbott during the course of the audit, but they were
6 the annual research plans that were provided by Abbott
7 that I saw as well.

8 These were the documents that were sent
9 to Hancock that summarized annual spending as well as
10 provided future planned expenditures.

11 Q. You mentioned that you reviewed some documents
12 made available by Abbott in the audit that were the
13 nature of monthly summaries, correct?

14 A. Correct, yes.

15 Q. And were those monthly summaries of the status
16 of various program compounds?

17 A. Yes, there were, and again, I don't know the
18 official title of the documents that I saw, but it
19 appeared to, based on my review, whether at the facility
20 or subsequent, that they were prepared on a monthly
21 basis and they were for the program compounds.

22 Q. You mentioned also that you reviewed documents
23 produced by Abbott pursuant to the audit provision that
24 were in the nature of correspondence, correct?

1 A. I saw some letters, yes.

2 Q. Do you recall with any greater specificity the
3 subject matter of that correspondence?

4 A. I recall that there were some letters. I
5 believe it was related to compound ABT-724 and some
6 potential out-licensing of that compound. There were
7 other correspondence -- well, there were, at times,
8 monthly -- and again, I'm recalling the substance, not
9 necessarily the actual title of documents. But there
10 seemed to be internal correspondence within Abbott that
11 there would be a distribution list to several people
12 that appeared to provide some kind of updates with
13 respect to the -- to various compounds, including some
14 of the program compounds as well.

15 So in that sense, since it was
16 distributed, that's a correspondence, I suppose.

17 Q. Is there any other type of correspondence that
18 you can recall sitting here today that you reviewed that
19 was produced by Abbott pursuant to the audit?

20 A. I recall there were some letters to some
21 doctors that were involved in some of the studies.

22 Q. And what do you recall regarding the subject
23 matter of those letters to doctors?

24 A. I generally recall that it was conversations

1 about the status of the studies or how many patients had
2 been enrolled in the study; general, generally.

3 Q. Do you recall the subject matter any of the
4 other correspondence produced by Abbott pursuant to the
5 audit that you reviewed?

6 A. It's likely there were others. If you have
7 any additional documents to refresh my recollection, I
8 can review those as well.

9 Q. You mentioned also that you reviewed studies
10 that were produced by Abbott pursuant to the audit.

11 Can you describe the nature of those
12 studies?

13 A. They were medical studies that were --
14 appeared to be in process and different phases of
15 development, whether they be phase one studies, phase
16 two studies or whatever phases, as defined in the
17 Research Funding Agreement, where various doctors were
18 involved in providing these compounds to various
19 patients. And it was some of their findings during the
20 course of that -- those studies.

21 Q. Were there any other types of studies that you
22 recall reviewing that were produced by Abbott?

23 A. There were IND, Investigational New Drug
24 reports. I don't know if they're necessarily studies,

1 but they're communications with the FDA as well.

2 Q. Were there any other types of studies that you
3 recall reviewing that were produced by Abbott during the
4 audit?

5 A. Again, I know that there were several studies
6 produced; clinical studies, some of the annual reports
7 and plans. Nothing is coming to mind at the moment.

8 Q. Nothing more specific you can recall at this
9 time?

10 A. Not at this time, but if you have some, I
11 would be more than willing to look at them.

12 Q. Did you personally review any documents
13 produced by Abbott pursuant to the audit that related to
14 the substitution by Abbott of one compound for a
15 terminated compound?

16 A. I recall some documents. And again, I've
17 looked at documents that were provided in the warehouse
18 as well as documents that were provided in the
19 litigation. So at times I'm a little fuzzy which --
20 when they were provided.

21 But I have seen some documents that
22 discussed, internally with Abbott, potential replacement
23 compounds.

24 Q. And those documents might have been produced

1 in the audit or in the litigation. You're not sure at
2 this time --

3 A. They may have been. I can't recall.

4 Q. I would like to go back to this January 31st
5 to February 1st visit --

6 A. Okay.

7 Q. -- to the Abbott facility.

8 Did you or Mr. Martinez create any sort
9 of index of the documents that were produced by Abbott
10 at that time?

11 A. Yes.

12 Q. Who created that index: You or Mr. Martinez?

13 A. As I recall, both of us. The documents that I
14 personally was reviewing, I was indexing, and the
15 documents Chris was reviewing, he indexed.

16 Q. On your index, did you record information
17 regarding every single document that was made available
18 by Abbott?

19 A. No.

20 Q. What percentage roughly of documents that were
21 made available by Abbott did you record on your index?

22 MS. COLLARI TROAKE: Objection, if you know.

23 A. That would be extremely difficult, and again,
24 goes back to prior statements I made, that depending on

1 the organization of the documents. For example, if
2 there was a large study, clinical study, it may or may
3 not have been included together. It may have even been
4 bound together. And so an index, in that example, may
5 refer to the study and comprehend multiple pages.

6 There were several individual pieces of
7 paper that were unique documents, and I couldn't tell
8 you what percentage we indexed.

9 Q. What -- how did you determine which documents
10 to list on your index?

11 A. Keeping in mind that we had this April 2004
12 letter as well as the attached Schedule A, we were
13 specifically looking for documents that would be
14 responsive to Schedule A. So if we came across
15 documents, that in our judgment were responsive, we
16 tried to specifically identify and index those.

17 In addition to those we felt were
18 responsive, we also generally tried to identify the
19 substance of each box, although some materials provided
20 were not as relevant as other materials.

21 Q. When you say that you recorded information
22 regarding whether you believed documents were responsive
23 to Schedule A, did your index specify which section and
24 subsection of Schedule A you believed the documents were

1 responsive to?

2 A. No.

3 MS. COLLARI TROAKE: Objection.

4 BY MR. LORENZINI:

5 Q. Did you record on your index every single

6 document that you believed was responsive to all of the

7 various sections and subsections of Schedule A?

8 A. When you say, Every Document, meaning if one

9 document has multiple pages, are you referring to that

10 as maybe a document? I don't know if we indexed every

11 single document that was responsive. We --

12 The intent was to identify those

13 documents that were responsive to Schedule A and to

14 index those.

15 Q. But you're not sure if you recorded every

16 single document on the index that was responsive to one

17 of the subsections of --

18 A. To the best of my knowledge, that was done.

19 If it was relevant to the audit, either a specific

20 document or a section of documents or a box was indexed,

21 that contained relevant information and/or responsive to

22 Schedule A. I'm not saying that every single piece of

23 paper was indexed.

24 Q. You understand that Schedule A included a

1 request for timesheets, payroll records, purchase orders
2 and invoices?

3 A. Yes.

4 Q. Did you record on your index every timesheet,
5 payroll record, purchase order and invoice that was made
6 available by Abbott?

7 A. I don't believe so, and again, because what we
8 were doing when we were visiting the warehouse, was not
9 necessarily completing the audit then and there, but
10 indexing and identifying what pallets, what boxes had
11 relevant documents. We were trying to understand the
12 universe of documents that will be provided such that
13 later we could go back to or drill down further or
14 review in further detail later.

15 So the index was to help us identify --
16 had more than one purpose, but one of those purposes was
17 to help identify what was even in existence; what had
18 been provided to date.

19 Q. Was a purpose of the index to record the
20 documents that you wanted Abbott to copy for you?

21 A. I don't know if I would call it the purpose of
22 the index. However, we would identify on the index if
23 we had requested a document to be copied.

24 MR. GRIESINGER: He asked A purpose. I think

1 you heard The purpose. I think he was asking a
2 purpose.

3 MR. LORENZINI: Yeah, let me ask a more
4 general question.

5 BY MR. LORENZINI:

6 Q. What was the procedure you employed for
7 indicating to Abbott which particular documents or boxes
8 of documents you wanted copied?

9 A. We would have flags that we would stick on to
10 a document, and it would be either an individual
11 document or a paper-clipped set of documents or a bound
12 set of documents; and in some cases, a box in its
13 entirety. And we would communicate that to -- the two
14 times I visited the warehouse, Carey Crimmens was
15 available. And we would physically attach flags as well
16 as communicate orally, verbally to Carey, to make sure
17 he understood exactly what we had requested.

18 Q. And your purpose during your visits to the
19 Abbott facility, I take it, was not to conduct a
20 comprehensive review of the documents you flagged, but
21 to flag those so that you could review them more
22 carefully after they were copied?

23 A. I don't know if I would agree with that
24 characterization. We went with the intent of doing as

1 listed in the Research Funding Agreement, correct?

2 A. Some of the documents referred to compounds
3 that were not program compounds, as defined in the
4 Research Funding Agreement. Many of the documents that
5 I reviewed were in fact redacted, and I'm assuming
6 referred to other compounds.

7 There were, at times, mention of other
8 compounds.

9 Q. And those other compounds were not within the
10 scope of the audit, as you understood it, correct?

11 MS. COLLARI TROAKE: Objection.

12 A. It could have been based on replacement
13 compounds or they could have been.

14 Q. Other than a circumstance in which a compound
15 was an actual or potential replacement compound, is it
16 correct to say that compounds other than those listed in
17 the Research Funding Agreement were not within the scope
18 of the audit to be conducted by John Hancock?

19 MS. COLLARI TROAKE: Objection.

20 A. I would generally say that would be correct
21 with the caveat that if there were program -- if there
22 compounds provided that could have been replacement
23 compounds, perhaps they would have been relevant as
24 well.

1 Q. But only to the extent that they were under
2 consideration as a replacement compound?

3 MS. COLLARI TROAKE: Objection.

4 A. I would generally agree with that.

5 Q. You mentioned that during your review of
6 documents at the warehouse, you asked certain questions
7 of Mr. Crimmens and Miss Campbell?

8 A. Yes.

9 Q. What types of questions do you recall asking
10 at your initial visit on January 31st and February 1st?

11 A. We asked several questions. We asked, when
12 are all the documents going to be provided to us? When
13 is -- I understood it to be a rolling production, yet
14 when we arrived in January, they said that they were
15 still going to be more documents coming.

16 So some of the questions were, when are
17 we going to be done? When are we going to see the total
18 universe? We also asked questions with respect to
19 specific documents. Some documents, as I mentioned
20 earlier, were printed in a format that were completely
21 unusable. There were other documents, such as
22 spreadsheets, that didn't have any column headings or
23 row headings and pages and pages of those.

24 There were several other documents that

1 the third section contains subparts A through F, and the
2 fourth section contains subparts A through E.

3 When you say you asked when Abbott would
4 be producing documents responsive to Schedule A, which
5 particular subsection of Schedule A were you
6 referencing?

7 A. I think we asked generally for Schedule A and
8 we had some specific questions. For example, 1A, we had
9 not seen any standard policies and procedures related to
10 accounting for project program-related expenditures. We
11 would ask, we have not yet seen any policies and
12 procedures. Have they been produced and when do you
13 plan to produce them?

14 So it was both. It was generally and at
15 times very specifically we would go to Schedule A.

16 Q. Before asking that question, did you make any
17 effort to review the several hundred boxes of documents
18 that had already been produced by Abbott to determine if
19 those documents included documents responsive to Section
20 1A?

21 MS. COLLARI TROAKE: Objection.

22 A. Personally?

23 Q. Yes.

24 A. I personally did not go back and rereview

1 those documents.

2 Q. So you don't personally know whether Abbott

3 had already produced documents responsive to Section 1A?

4 A. I don't have personal knowledge of that.

5 Q. Did you ask --

6 A. Let me just qualify the question. Prior to

7 what time?

8 You asked the question, do I have

9 personal knowledge they were or were not responsive to

10 Schedule A; is that your question?

11 Q. Do you have personal knowledge, based on what

12 you've reviewed, of whether the hundreds of box produced

13 by Abbott prior to your starting on the audit in

14 January, included documents responsive to Section 1A?

15 MR. GRIESINGER: When you say personal

16 knowledge, do you mean personal knowledge by virtue

17 of him having reviewed himself personally all those

18 hundreds of documents or do you mean personal

19 knowledge by view of having information that

20 indicated to him that independently from actually

21 having reviewed the boxes themselves, that they

22 hadn't been provided?

23 MR. LORENZINI: I'm referring to --

24 BY MR. LORENZINI:

1 Q. Well, we've established already that you
2 didn't review the hundreds of boxes that were produced
3 by Abbott prior to January 2005, correct?

4 MS. COLLARI TROAKE: Objection. He reviewed
5 some of them. He testified he reviewed some of
6 them.

7 BY MR. LORENZINI:

8 Q. You only reviewed some of the documents that
9 had been requested for copying and had been copied by
10 Abbott, correct?

11 MS. COLLARI TROAKE: Objection.

12 A. Prior to going out in January, I had reviewed
13 some documents. I did not review personally whatever
14 number of boxes. You're saying hundreds. I don't know
15 the count of boxes, but I did not review those boxes
16 personally.

17 I didn't re-review those that had already
18 been reviewed by StoneTurn.

19 Q. And I think you testified before you
20 personally, before going out to the Abbott facility in
21 January, only reviewed perhaps a couple of boxes of
22 documents?

23 A. I don't know the exact number, but perhaps a
24 few boxes.

1 Q. So unless a -- so if a document produced by
2 Abbott concerning standard policies and procedures
3 related to accounting for program-related expenditures
4 was not in those two boxes you reviewed prior to
5 January, you wouldn't know one way or the other if it
6 had been produced by Abbott, correct?

7 MS. COLLARI TROAKE: Objection, that
8 mischaracterizes his prior testimony.

9 A. I would have knowledge based on the
10 information that was provided to me by Chris Martinez
11 and others at StoneTurn, but I did not review whatever
12 number of boxes that were reviewed prior to my first
13 visit.

14 Q. Other than whatever secondhand information you
15 were told by Chris Martinez, you don't have any
16 knowledge regarding the documents produced prior to
17 January, 2005, other than the two boxes you personally
18 reviewed, correct?

19 MS. COLLARI TROAKE: Objection.

20 A. I received knowledge from Chris about what was
21 in those -- that number of boxes that were reviewed
22 previously to me as well as I reviewed an index
23 summarizing the contents of those boxes. So other than
24 those two things, I did not personally rereview those --

1 whatever number of boxes myself.

2 Q. Did that index you just referenced include
3 every single document produced by Abbott prior to
4 January 2005?

5 A. The index, to my knowledge, did just that, it
6 indexed the documents that were provided at two
7 facilities, actually; the Mundelein facility, I believe
8 there was a different address that I never went to. And
9 it would describe the contents of the various boxes that
10 had been provided.

11 Q. It wasn't your understanding that that index
12 listed every single document in the 900 boxes produced
13 by Abbott, was it?

14 MS. COLLARI TROAKE: Objection.

15 A. My understanding was, there wasn't a
16 description of every page and piece of paper in all
17 those boxes, but there was a description and an index of
18 the contents of the boxes. So generally speaking, it
19 was indexing the contents, not every single document.

20 MR. LORENZINI: Okay. I think we better take
21 a lunch break.

22 MS. COLLARI TROAKE: Okay. How much more do
23 you think you're going to have?

24 MR. LORENZINI: Enough to warrant a lunch

1 check and get back to you.

2 Q. And your understanding was, he was checking
3 with Abbott counsel?

4 A. He didn't say he was checking. I don't know.

5 Q. You were subsequently informed by Abbott
6 counsel that the redactions were of material that was
7 either privileged or related to compounds other than the
8 program compounds, correct?

9 MS. COLLARI TROAKE: Objection.

10 MR. GRIESINGER: Him personally?

11 BY MR. LORENZINI:

12 Q. Let's start with personally.

13 Were you ever personally informed that
14 the reason Abbott was making redactions was because the
15 material was either privileged or it related to
16 compounds other than the program compounds in the
17 agreement between Hancock and Abbott?

18 MR. GRIESINGER: By Abbott's counsel or?

19 MR. LORENZINI: Anyone.

20 A. I believe in the e-mails that have been
21 produced by StoneTurn, that there's an e-mail
22 communication between myself and Michelle Campbell,
23 wherein she relates something to that effect, that some
24 of the documents that I had asked for on a couple of

1 occasions, that still were not coming to us, that they
2 were and again, I can read the words from the e-mail,
3 but generally they were being reviewed for those
4 reasons.

5 Q. Those reasons being either privileged or
6 relating to compounds other than program compounds?

7 A. Again, I think that's what the e-mail says.
8 If you have it, I can refresh my recollection, but
9 that's my general understanding.

10 Q. We may get to that later. I want to stick
11 first with this initial visit and your communications
12 with Mr. Crimmens at that time.

13 You mentioned that you asked if StoneTurn
14 could talk to Abbott employees --

15 A. Yes.

16 Q. -- is that correct?

17 And is that a conversation you had with
18 Mr. Crimmens?

19 A. Yes.

20 Q. During the initial visit?

21 A. And again, my recollection is a little -- I
22 can't remember specifically the conversations that I had
23 on my first visit versus the second visit, but I believe
24 most of the questions were asked on both occasions that

1 seven matters, again, going back to the April 12, 2004
2 letter that we were also interested in; not each of
3 those were specific to expenditures during any year.
4 Some of them related to other aspects of the contract.

5 Q. And did the other aspects listed in numbers
6 one through seven of the April 12th letter?

7 A. Yes.

8 Q. During that initial visit to the Abbott
9 warehouse, please describe either generally or specific,
10 the best you can recall, the type of documents that you
11 did flag for copying?

12 A. Again, I'm going to have to speak generally
13 and with a little bit of the caveat that some of the
14 documents I reviewed on my first visit and second visit
15 aren't always clear. But during my two visits, I
16 flagged some documents that seemed to include
17 expenditures for the program compounds. I flagged some
18 documents that seem to be monthly status reports. I
19 flagged some documents that seemed to be summary memos.
20 I think some of those memos were called monthly
21 highlight memos; flagging anything that appeared to be
22 responsive to, again, Schedule A to the April 12, 2004
23 letter.

24 I also flagged documents that were so

1 redacted as to being useless to the process because I
2 didn't understand why certain documents were even being
3 provided if they were redacted to a certain level.

4 Q. And you testified before that you didn't flag
5 documents that were completely redacted.

6 Are you now saying you did flag documents
7 that were completely redacted?

8 MS. COLLARI TROAKE: Objection. I think that
9 mischaracterizes his prior testimony.

10 BY MR. LORENZINI:

11 Q. I don't want to mischaracterize it, so please
12 clarify it.

13 A. There were, between my two visits, there were
14 several documents that were redacted. I didn't flag all
15 of them because there wasn't value. There was nothing
16 to read on these redacted documents. Some of which had
17 a line drawn through the entire document and a word
18 redacted. That piece of paper wasn't necessarily
19 valuable in accomplishing the audit.

20 I flagged some documents that were so
21 redacted, just as a reference to show how redacted and
22 how unuseful some of the documents that we were seeing
23 were and what form we were reviewing them in the
24 warehouse.

1 copying during that initial visit, you listed
2 expenditures for program compounds, monthly status
3 reports, summary memos, including monthly highlight
4 memos, certain redacted documents.

5 Are there any other types of documents
6 that you flagged for copying during that initial visit?

7 A. I recall -- and again, my first visit and
8 second visit, I can't always distinguish between the two
9 as far as specific documents. I do recall seeing
10 documents that appeared to be spreadsheets and analyses
11 prepared by Abbott that related to a base case, an
12 upside and a low scenarios perhaps related to some of
13 the program compounds. That was another type of
14 document that we were flagging.

15 Q. Do you recall any other categories of
16 documents that you flagged for copying?

17 A. During the first visit or second visit?

18 Q. Since your recollection isn't clear, let's say
19 during either visit --

20 A. Fair enough.

21 Q. -- just other categories of documents you
22 recall flagging?

23 A. I know that during the second visit on the
24 last day, it would have been March 9th, it was in fact

1 the last box that was provided to us on that day. I
2 believe it was box No. 17 on the pallet that we were
3 going through. There were several documents included in
4 that box that related to Abbott's analyses of revenue
5 recognition for the payments that they had received by
6 John Hancock.

7 There were several documents that had --
8 that appeared to be spreadsheets in nature that had
9 Hancock -- the name John Hancock or Hancock somewhere on
10 them that were summarizing the compounds. So I know for
11 sure the second visit that there were several documents
12 that I flagged for copying.

13 Q. And those documents related to how Abbott was
14 going to account for revenues received by -- received
15 from Hancock pursuant to the contract?

16 A. That was part of it. Some of these
17 spreadsheets summarized the spending or the expenditures
18 that Abbott had during a period of time, and then
19 analyzed the payments received from John Hancock. And
20 based on some formulas, it was Abbott's determination of
21 how much Abbott could record as revenue.

22 And part of that formula and analysis,
23 Abbott analyzed annual expenditures on the program
24 compounds.

1 Q. Do you recall the subject matter of any of the
2 other documents that were contained in what was
3 designated box 17?

4 A. I don't recall specifically sitting here
5 today. There are several documents that we indexed and
6 flagged for copying.

7 Q. Did you review, while you were at the
8 warehouse, every single document that was in box 17?

9 A. My recollection would be yes because I
10 don't -- I'm not positive on that. But I believe we
11 specifically requested documents within that box rather
12 than simply flagging the box to be copied. Or at least
13 that's my recollection.

14 So with that said, since individual
15 documents were flagged, I believe that we reviewed the
16 entire box.

17 MR. LORENZINI: I would like to mark as Hair

18 Exhibit No. 3, a document with Bates No. ABBT 270

19 through 271.

20 (Exhibit No. 3 Marked for Identification)

21 BY MR. LORENZINI:

22 Q. Do you recognize the document that's been
23 marked as Hair Exhibit No. 3?

24 A. Yes.

1 Q. Is this an e-mail chain between you and

2 Miss Campbell?

3 A. Yes.

4 Q. And if you look at the e-mail on the bottom,

5 it appears to be from you to Miss Campbell.

6 Is this an e-mail that you wrote?

7 A. Yes.

8 Q. The second sentence states: It appears that

9 some of the documents requested are not included in the

10 copy set. And then in parentheses it states: StoneTurn

11 requested a complete set of copies of the entire box?

12 A. Yes, that refreshes my recollection.

13 Q. Do you now recall that StoneTurn requested a

14 copy of the entire box 17?

15 A. It would appear as though we did, the entire

16 box.

17 Q. Did you personally review box 17?

18 A. I personally did, yes.

19 Q. How long did you spend reviewing box 17?

20 A. My general recollection is longer than any

21 other box. It was likely a few hours. And the reason

22 being is --

23 Q. My question was, how long did you spend

24 reviewing it? And your answer is longer than the other

1 boxes; likely more than three hours, is that correct?

2 A. I think I said a few hours, but...

3 Q. Do you recall whether you looked at every

4 single page of every document in box 17?

5 MS. COLLARI TROAKE: Objection. He's already

6 answered that.

7 A. I know that I reviewed box 17. I know that

8 there was another individual from StoneTurn with me at

9 the warehouse then. I don't know if I reviewed box 17

10 in its entirety by myself or if we split that box to be

11 reviewed and indexed.

12 Q. Of the portion of box 17 that you reviewed, do

13 you recall whether you reviewed every single page of

14 every single document?

15 A. Yes.

16 Q. And what do you recall about the documents in

17 box 17 that you reviewed, other than what you've already

18 testified to?

19 A. I recall that there were many documents that

20 had John Hancock mentioned somewhere on the document and

21 specifically identified program compounds. Some of them

22 appeared to be summaries of expenditures; some of them

23 in the context of Abbott's revenue recognition analysis;

24 some were different in nature.

1 There were several documents that were of
2 interest to me. And it took us longer to index that
3 document because we were indexing more documents in that
4 box than probably any other box. I'm not positive on
5 that, but it took longer because there were so many
6 documents that seemed specifically relevant to the
7 matter.

8 Q. And those documents generally concerned
9 Abbott's recognition of revenue from the Hancock
10 contract?

11 A. In -- and I don't have all the documents in
12 front of me right now. There were some documents
13 related to Abbott's revenue recognition, but the
14 analysis that Abbott had to go through to calculate the
15 amount of revenue to be recognized, included a summary
16 of costs expended by Abbott for the program compounds
17 during different years.

18 Because I saw reports and schedules that
19 summarized the program compounds expenditures, they were
20 relevant and therefore were flagged.

21 Q. Have you seen documents produced by Abbott in
22 the litigation that are duplicative of what you saw in
23 box 17?

24 A. Yes, there are several of the items we indexed

1 from box 17 on March 9th, 2005 that we never received
2 until we looked at the documents that were produced in
3 litigation. And we found many, if not most, of those
4 documents that were previously indexed.

5 Q. So StoneTurn now has copies of many, if not
6 all, of the documents that were contained in box 17,
7 correct?

8 MS. COLLARI TROAKE: Objection.

9 A. I'm not sure if that's exactly the way I said
10 it. Of the documents that we were aware of that weren't
11 copied for us in March of 2005, we have identified most
12 of that list in the documents that have been produced in
13 litigation.

14 Q. And approximately when were those documents
15 produced in litigation?

16 A. I'm not sure.

17 Q. I understand you wouldn't know necessarily
18 when they were produced. But when you at StoneTurn
19 receive the documents that you identified as being
20 duplicative of the documents in box 17?

21 A. This summer we had access to electronic
22 database.

23 Q. And you don't know when Choate Hall & Stewart
24 received those documents?

1 A. I have no idea.

2 Q. I want to just make sure we've covered
3 everything. You were discussing before documents, the
4 type of documents that you flagged for copying?

5 A. Yes.

6 Q. And we had gone through documents reflecting
7 expenditures on the compounds --

8 A. Yes.

9 Q. -- monthly status reports, summary memos,
10 spreadsheets and analyses reflecting base case, upside
11 and low scenarios?

12 A. Yes.

13 Q. You also had flagged documents regarding
14 revenue recognition for revenue under the Hancock
15 contract?

16 A. Again, I viewed those documents as summarizing
17 the annual expenditures on program compounds.

18 Q. Understood.

19 In addition to those categories of
20 documents that you've already described, what other
21 categories of documents do you recall flagging for
22 copying during either of your visits to Abbott?

23 A. There might be some additional categories. I
24 just don't recall right now.

1 Q. Do you recall flagging for copying documents
2 regarding clinical trials?

3 A. I believe we flagged some. I know that there
4 were some IND reports, annual reports, that were of
5 interest, specifically some related to ABT-594 and some
6 of those reports that were filed prior to the signing of
7 the agreement. So those reports were filed in late
8 2000.

9 In going through all the documents, again
10 this goes back to a question you had previously, we
11 asked Carey Crimmens if there were going to be other
12 internal communications, including e-mails which may
13 shed light on some of Abbott's perception of the status
14 of the program compounds.

15 Q. I'm not asking about communications right now.
16 I'm just asking about documents you flagged for copying.

17 A. Okay.

18 Q. Did you flag for copying minutes of Abbott's
19 meetings?

20 A. Yes, if there were some, yes, yes.

21 Q. And do you recall that you received from
22 Abbott copies of Advisory Committee meetings?

23 A. Would that have been the title, Advisory
24 Committee?

1 Q. Let me rephrase it.

2 Do you recall receiving from Abbott

3 copies of minutes of Advisory Committee meetings?

4 A. I recall reviewing minutes or summaries of

5 meetings from certain committees, whether it be an

6 Advisory Committee, I don't recall specifically, but

7 there were committees and groups within Abbott that met;

8 and I did see and I believe flagged some of those.

9 Q. And you received copies of them?

10 A. Yes.

11 Q. Okay. I want to move ahead to the March 7th

12 visit to Abbott's warehouse.

13 A. Okay.

14 Q. You did visit the Abbott warehouse to review

15 documents on March 7th?

16 A. I did.

17 Q. And who else accompanied you on that visit?

18 A. I believe on that trip it was Chris Martinez,

19 Josh Dennis and myself.

20 Q. And who from Abbott was there at the facility

21 at that time?

22 A. I believe Carey Crimmens again.

23 Q. And were you at the facility for more than one

24 day?

1 A. Yes.

2 Q. How many days were you there?

3 A. As I recall we were there the 7th, the 8th and
4 the ninth or at least I was there the 7th, 8th and the
5 9th.

6 Q. And do you recall how many documents were made
7 available for copying by Abbott beginning on March 7th?

8 MR. GRIESINGER: For his review?

9 MR. LORENZINI: For review.

10 A. You mean boxes or the number of pieces of
11 paper?

12 Q. It's probably easier to speak in terms of
13 boxes.

14 A. I don't recall the specific number of boxes.

15 Q. You don't recall there were 17 boxes made
16 available?

17 A. There could have been. I don't recall
18 specifically how many.

19 MR. LORENZINI: I would like to mark a new
20 exhibit.

21 (Exhibit No. 4 Marked for Identification)

22 BY MR. LORENZINI:

23 Q. This appears to be an e-mail chain between you
24 and Miss Campbell with a Bates range ABBT 273 to 276.

1 Did you recognize this e-mail?

2 MS. COLLARI TROAKE: All of them or the whole

3 string?

4 BY MR. LORENZINI:

5 Q. Do you recognize this e-mail chain generally?

6 A. Yes.

7 Q. If you look at the top of 275, it appears to

8 be an e-mail from you to Miss Campbell?

9 A. Yes.

10 Q. And the second paragraph you state: This week

11 a total of 17 new boxes were provided for review?

12 A. Yes.

13 Q. Does that refresh your recollection that

14 Abbott provided 17 new boxes for StoneTurn to review

15 during the week of March 7th?

16 A. Yes.

17 Q. What do you recall about the type of documents

18 that were provided for review during that week of

19 March 7th?

20 A. I generally recall them being similar in

21 nature as the documents that I had personally reviewed

22 on my earlier trip, January 31st and March -- February

23 1st, if I said those dates, correctly, but for box 17

24 which seemed to be more relevant -- most relevant than I

1 had come across.

2 Q. How many hours per day did you spend reviewing
3 documents during that trip?

4 A. I know that we were told that we could only be
5 in the warehouse between certain hours; something like
6 between 8:00 and 5:00 or -- so we were somewhat limited
7 as far as the amount of time we had. So I believe there
8 was somewhere between or around eight hours per day.
9 And again the third day -- that seemed consistent
10 somewhere around --

11 Q. Do you recall whether you flew back to Boston
12 on the third day?

13 A. I know I didn't fly back to Boston, but I
14 don't know when I flew out on the third day.

15 Q. Where do you work out of, what location?

16 A. San Francisco.

17 Q. Did you fly back to San Francisco on the third
18 day?

19 A. I can't recall, but it's very possible.

20 Q. So you're not sure if you worked a complete
21 day on the third day of that second visit?

22 A. I can't recall.

23 Q. And were Mr. Martinez and Mr. Dennis there for
24 all three days?

1 A. I believe Chris Martinez was there the first
2 two days, and Josh Dennis and myself were there all
3 three days.

4 Q. And do you know if Josh left early on the
5 third day?

6 A. As I recall, we left at the same time. I
7 believe we were there most of that third day, but I
8 don't recall specifically the time of day that we left.

9 Q. And did you create an index of the documents
10 that you reviewed?

11 A. Yes.

12 Q. And did you follow the same procedure as
13 before regarding indexing?

14 A. Generally, yes.

15 Q. So you didn't list every single document you
16 reviewed on the index card?

17 A. Not every single document.

18 Q. And did you flag documents for copying?

19 A. Yes, we flagged documents for copying, and
20 then it appears as though based on the last e-mail, at
21 some point it was determined that we would just assume
22 take the whole box since there was enough relevant
23 information.

24 Q. Were there other boxes other than box 17 where

1 you requested the entire box?

2 A. I don't recall. Yes, when we were leaving on
3 March 9th, Carey Crimmens informed us that there was yet
4 one other box that was being reviewed and/or redacted
5 that wasn't available for StoneTurn's review. And I
6 asked him if he could send us that box in its entirety,
7 since we wouldn't have the benefit of reviewing it in
8 their warehouse.

9 So in that case, I know we requested that
10 box in its entirety, in addition to box 17. There may
11 have been other boxes. I don't recall specifically.

12 Q. And did Abbott send you a copy of the box that
13 wasn't available for review during your March 17 visit?

14 A. To the best of my recollection, yes. And
15 again, I couldn't confirm that since I hadn't seen those
16 documents, but I believe there's some e-mails between
17 myself and Michelle Campbell, where I specifically asked
18 for that box that we hadn't seen.

19 And at some point she replied that it had
20 been sent to us. So I have no way to confirm that, but
21 that's what --

22 Q. But you also have no reason to doubt it?

23 A. I have no reason to doubt it.

24 Q. Do you recall receiving 11 boxes of documents

1 after the March 7th visit, that is 11 boxes that had
2 been selected for copying and were subsequently
3 delivered?

4 MS. COLLARI TROAKE: Selected for copying
5 when?

6 MR. LORENZINI: During the March 7th visit.

7 A. I don't recall specific numbers, but as I look
8 at this e-mail chain on Exhibit 4, I can see that in an
9 e-mail that I sent to Michelle, we received five boxes
10 on Friday, and another two boxes today. So that would
11 be 7; another e-mail we received three more boxes today,
12 so now I'm up to 10.

13 Q. And then you received the box that wasn't
14 available initially?

15 A. And I don't know if that was included with one
16 of these 10 boxes or not, but I don't have a specific
17 recollection.

18 Q. But that sounds about right, that you received
19 about 10 or 11 boxes after that visit?

20 A. Based on these e-mails, I have no reason to
21 believe it was anything different from what it said in
22 here.

23 Q. Do you recall that you received, other than
24 box 17, you received copies of all of the documents you

1 had selected for copying within a couple of weeks of
2 your visit?

3 MS. COLLARI TROAKE: Objection.

4 A. I'm not sure of the time frame you're talking
5 about. I know that are or I'm told that Chris Martinez
6 visited some Abbott facilities the prior summer. And I
7 was told that certain documents that were flagged that
8 previous summer hadn't been provided to StoneTurn until
9 I believe it was January of the following year.

10 Q. I'm only talking about documents that you
11 reviewed during your two visits and that were selected
12 for copying; okay?

13 A. Okay.

14 Q. I'm not interested in what you may have heard
15 secondhand from Mr. Martinez about copying after his
16 visits.

17 During your initial visit, January 31st
18 and February 1st, do you recall when you received from
19 Abbott the documents that you had selected for copying
20 during that visit?

21 A. I don't recall sitting here today the exact
22 timing of when we received those. I know there were
23 certain e-mail communications that I was confirming to
24 Michelle Campbell when we had received them, but I don't

1 recall the exact dates and timing of receiving e-mails.

2 Q. You don't have any reason to doubt that it's
3 anything other than what may be reflected in the
4 e-mails?

5 A. I believe that the e-mails are the best
6 representation of what happened. If I communicated to
7 Michelle Campbell that I received some boxes, I have no
8 reason to believe anything different.

9 MR. LORENZINI: I would like to mark a new
10 exhibit.

11 (Exhibit No. 5 Marked for Identification)

12 THE VIDEOGRAPHER: This marks the end of tape
13 No. 2. Going off the record at 2:35.

14 (Off Record Discussion)

15 THE VIDEOGRAPHER: This marks the beginning of
16 tape No. 3. We are back on the record, 2:37.

17 BY MR. LORENZINI:

18 Q. Mr. Hair, you have before you what's been
19 marked as Hair Exhibit No. 5, which is an e-mail from
20 Mark Hair to Michelle Campbell dated March 18th, 2005?

21 A. So of the e-mail string, you're referring to
22 the very top one?

23 Q. Well, I'm referring generally to the entire
24 e-mail string.

1 Do you recognize this e-mail string?

2 A. Yes.

3 Q. This is an e-mail exchange you had with

4 Miss Campbell?

5 A. Yes.

6 Q. If you look at the page marked ABBT 278?

7 A. Yes.

8 Q. This appears to be an e-mail from March 15th,

9 2005 from you to Miss Campbell stating we received five

10 boxes of documents last Friday and another two boxes

11 today.

12 Does that refresh your recollection of

13 the documents that you had selected for copying during

14 your March 7th through 9th visit, that you received

15 seven boxes by March 15th?

16 A. Yes.

17 Q. So that's an accurate statement that you had

18 received, as of the time of this e-mail, five boxes the

19 prior Friday and two boxes on March 15th?

20 A. Yes.

21 Q. And if you look at the top of the e-mail

22 string on the first page, that's an e-mail from you to

23 Miss Campbell stating, We received three more boxes

24 yesterday?

1 A. Yes.

2 Q. Does that refresh your recollection that you
3 received three additional boxes that you had selected
4 for copying during your second visit to Abbott on
5 March 17th, 2005?

6 A. Yes.

7 Q. And so at the time of this e-mail, the only
8 documents you had selected for copying that you hadn't
9 yet received were box 17 and the documents that hadn't
10 been available for copying during your visit?

11 A. That's basically what this e-mail says, yes.

12 Q. And then can you turn back to Exhibit -- I'm
13 not sure if I know the exhibit number, but it's the
14 document ABBT 215, e-mail chain beginning with --

15 MS. COLLARI TROAKE: Exhibit 2.

16 A. Okay.

17 Q. And if you'll turn to page five of six of that
18 e-mail string, you may recall this was the March 22nd,
19 e-mail from Miss Campbell to you that we reviewed
20 earlier?

21 A. Yes.

22 Q. And you'll note in that e-mail to you,
23 Miss Campbell says, You should receive by the end of
24 this week additional documents less than one box that

1 were not available for review before your team left on
2 Thursday, March 10th?

3 A. Yes.

4 Q. Does that refresh your recollection that
5 Abbott sent to StoneTurn the box of documents that
6 weren't available for visit -- for review during that
7 second visit by the end of the week of March 22nd?

8 A. Again, these are a little out of order, but I
9 think I follow that; that somewhere around the 22nd,
10 this appears to be an e-mail from Michelle confirming
11 that that final box had been copied and provided to us.

12 Q. So by that week of March 22nd, StoneTurn had
13 received all of the documents that it had selected for
14 copying during that second visit, other than box 17,
15 correct?

16 A. Well, if you go down to the next paragraph, we
17 had also requested some spreadsheets related ABT-627
18 either in e-mail form or some other form, as well as
19 those documents, similar schedules for other compounds.
20 We hadn't received those either.

21 Q. Other than the spreadsheets in box 17, though,
22 you had received everything else you had requested
23 during the second visit?

24 MS. COLLARI TROAKE: Objection.

1 A. I wouldn't agree with that; meaning that we
2 made several requests for documents, including e-mails,
3 we made requests to see and talk to people. I don't
4 know if --

5 Q. Let me clarify --

6 A. -- I wouldn't characterize we received
7 everything we asked or.

8 Q. Let me clarify.

9 You received, by the week of March 22nd,
10 putting aside the spreadsheets and box 17, you received
11 everything that you had flagged for copying by the week
12 of March 22nd, correct?

13 A. I think that's generally true. There may have
14 been a couple -- there may have been a couple of other
15 documents that we weren't confident that we had received
16 even though they had been flagged; and some of those are
17 going back to prior to my time.

18 So there may have been a couple.

19 Q. But I'm just talking about documents --

20 A. Okay.

21 Q. -- that you had selected for copying during
22 that March visit.

23 A. Okay; then generally correct. Aside from the
24 documents in box 17 and aside from these spreadsheets

1 requested for ABT-627 and other compounds for other
2 years, the documents that we had flagged had generally
3 been provided to us, yes.

4 Q. You didn't make any other visits to Abbott
5 after that week March 7th visit?

6 A. No.

7 Q. What type of analysis was performed by
8 StoneTurn, if any, after receiving the documents from
9 Abbott, after receiving the copies of the documents from
10 Abbott?

11 MS. COLLARI TROAKE: Objection. What copies
12 from Abbott when?

13 BY MR. LORENZINI:

14 Q. We're moving beyond the collection phase.
15 We've discussed your initial review of documents at
16 Abbott and your selection of certain documents for
17 copying and Abbott's provision of copies of certain
18 documents to you, and I want to move beyond that.

19 Once you received copies of the documents
20 that were produced by Abbott pursuant to the audit, what
21 type of analysis was performed by StoneTurn of the
22 Abbott documents?

23 A. There were a few things that we did, and maybe
24 I'll start by just kind of generally summarizing broad

1 A. Yes, I never started a process to prepare an
2 audit report based on this April 12, 2004 letter in
3 Schedule A based on what we got. I never started that
4 process.

5 Q. Do you know if anyone at StoneTurn started the
6 process of preparing an audit report?

7 A. To the best of my knowledge, I don't know.

8 Q. Are there plans by StoneTurn to generate an
9 audit report regarding the Hancock/Abbott contract?

10 A. I'm not aware of any, but I assume at some
11 point I could be asked to. I have no current plans.

12 Q. And this audit process began almost a year and
13 a half ago?

14 A. I assume that this April 12, 2004 letter was
15 the first time indication from John Hancock to Abbott
16 that pursuant to Section 2.5 of the Research Funding
17 Agreement, that a compliance review or audit of the
18 books and records would begin. That's my understanding.
19 But again that was prior to me joining StoneTurn, so I'm
20 just basing it on that letter.

21 Q. Are there any other types of reports or
22 analyses that you created other than what you've
23 described?

24 MS. COLLARI TROAKE: I object. Again, exclude

1 kind of general categories? And then we would have
2 conversations, generally speaking, about what we were
3 trying to accomplish, that we're looking for, not only
4 high-level summaries but mid-level summaries as well as
5 some detail if we wanted to go further to do some
6 specific selection in testing.

7 Q. But you don't recall any conversation
8 discussion with Mr. Crimmens --

9 A. No.

10 Q. -- regarding any particular categories?

11 A. No, not specifically, no.

12 Q. Did you provide documents that StoneTurn
13 received pursuant to the audit to Choate Hall & Stewart?

14 A. I think I previously said yes.

15 Q. These were the compilations that you provided?

16 A. Yes.

17 Q. Did you provide all the documents that had
18 been received by StoneTurn to Choate Hall & Stewart?

19 A. I believe we did.

20 Q. Did you provide all the documents that you
21 received during the audit to John Hancock directly?

22 A. I did not, no.

23 Q. Were you asked in this litigation to collect
24 documents for production to Abbott?

1 Volume: II

2 Exhibits: 7-26

3 UNITED STATES DISTRICT COURT

4 FOR THE DISTRICT OF MASSACHUSETTS

5 CIVIL ACTION NO. 05-11150-DPW

6 ----- x

7 John Hancock Life Insurance Company,

8 John Hancock Variable Life Insurance Company,

9 and Manulife Insurance Company, (f/k/a Investors

10 Partner Insurance Company),

11 Plaintiffs,

12 v.

13 Abbott Laboratories,

14 Defendant.

15 ----- x

16

17 DEPOSITION OF MARK L. HAIR

18 Tuesday, May 8, 2007, 1:05 p.m.

19 DONNELLY CONROY & GELHAAR

20 One Beacon Street, 33rd Floor

21 Boston, Massachusetts

22 Reporter: Lori-Ann London, RPR

23

24

1 Q Did those subsequent invoices relate to
2 the audit or to the Hancock/Abbott litigation?

3 A I would say both. I know that there
4 were certain tasks performed prior -- or
5 subsequent, rather, to April 18th that would have
6 been related to the audit or the compliance
7 review.

8 Q What tasks subsequent to the April 18th,
9 2005 invoice do you believe were related to the
10 audit?

11 A I know that last year we evaluated and
12 analyzed some documents that were produced in the
13 litigation, but we used those documents and
14 reviewed those documents in the context of the
15 compliance review as well.

16 Q Do you know approximately what month of
17 last year you performed that task?

18 A I believe it was in the spring and
19 summer of last year, or thereabouts.

20 Q And so you used documents that had been
21 produced in the litigation to -- to conduct the
22 contractual compliance audit?

23 MS. COLLARI TROAKE: Objection.

24 A We evaluated the documents that were

1 limited to the documents you had flagged for
2 copying compared to what was produced in the
3 litigation, correct?

4 A Yes.

5 Q And did you determine that all of the
6 documents that you had flagged for copying during
7 the audit that you did not receive during the
8 audit were subsequently produced in the
9 litigation?

10 MS. COLLARI TROAKE: Objection.

11 A We identified most of the documents in
12 the population of the documents that were provided
13 in litigation.

14 Q Do you recall any documents that you
15 were not able to identify in the litigation
16 production set -- documents you had flagged
17 previously that were not subsequently produced in
18 litigation, can you identify any particular
19 documents?

20 A Sitting here now?

21 Q Yes.

22 A No.

23 (Document marked as Exhibit No. 8.)

24 Q Mr. Hair, you have before you what's

1 an organization.

2 Q Did you organize documents in the

3 binders -- like all documents responsive to

4 category 1A in one section of the binder?

5 A Yes.

6 Q And if a document was responsive to more

7 than one category, did you include it in more than

8 one section of the binder?

9 A I don't recall.

10 Q And how many binders in total did you

11 compile through this process?

12 A I don't recall.

13 Q Can you quantify the amount of documents

14 in those binders in any way? For example, by how

15 many boxes the binders would take up, how many

16 documents.

17 A I'm not sure how many binders, but I'm

18 pretty sure there were more than ten.

19 Q And you mentioned that you performed

20 this task back in the spring of 2006?

21 A Spring or summer of 2006, of last year.

22 Q Have you conducted a similar analysis

23 since that time?

24 A No.

1 Q So are you aware that there have been
2 additional documents produced in the litigation
3 since spring of last year?

4 MS. COLLARI TROAKE: Objection, and
5 I'm gonna instruct you not to answer to the extent
6 that your knowledge comes solely from
7 communications with counsel.

8 Q Strike the question.
9 I'll represent to you that there
10 have been documents produced in the litigation
11 since spring of 2006. Have you undertaken any
12 attempt to gather additional documents produced in
13 the litigation since that time that you believe
14 are responsive to the audit requests?

15 MS. COLLARI TROAKE: Objection.

16 A No.

17 Q After you had compiled these documents
18 that have been produced in litigation into the
19 binders, did you conduct -- did you do anything
20 else with those documents?

21 MS. COLLARI TROAKE: Objection. And
22 to the extent that your answer will reveal any
23 attorney-client communications or work product,
24 you should exclude that from your answer.

1 compliance with the contract.

2 Q Why did StoneTurn not undertake that
3 analysis?

4 A I think part of the reason was as a
5 result of our work in January, February and March,
6 and evaluating and analyzing the documents that
7 were provided to us, as well as analyzing and
8 evaluating the documents that had been copied and
9 given to us, that as a result of that analysis and
10 review, it was determined that there weren't
11 sufficient documents to fully complete the
12 compliance review and the audit.

13 Q But once the litigation began, there was
14 this additional set of documents that were
15 produced and that you and Mr. Martinez have
16 testified were fully available to StoneTurn. And
17 my question is: At that time, after you had the
18 additional documents produced in litigation, why
19 didn't StoneTurn conduct an analysis to determine
20 Abbott's compliance with the contractual
21 obligations?

22 MS. COLLARI TROAKE: Objection.

23 A It was not requested that we perform a
24 compliance review at that time.

1 compliance review subsequent to that.

2 Q Do you believe you would be able to
3 conduct a compliance review based on the
4 additional documents and deposition testimony and
5 other information that has been produced in the
6 litigation?

7 A I have not seen any additional
8 deposition testimony. I can only speak to the
9 documents that I've seen that we analyzed last
10 spring and summer. So I don't know if I can
11 adequately answer that question, not seeing
12 everything that's available.

13 Q So the answer is you don't know?

14 A I don't know.

15 Q Are you familiar, generally, with the
16 allegations that John Hancock has made in the
17 current litigation regarding Abbott's alleged
18 failure to comply with its obligation under the
19 audit provision of the contract?

20 MS. COLLARI TROAKE: Objection. To
21 the extent that you've only learned that from
22 counsel, I'm gonna instruct you not to answer.

23 A Then, no.

24 (Document marked as Exhibit No. 9.)

1 (Document exhibited to witness.)

2 Q Mr. Hair, you have before you what the
3 court reporter has marked as Exhibit No 9, it's
4 the First Amended Supplemental Complaint filed by
5 John Hancock in this action. I'd like you to take
6 a look particularly at paragraph 22, including
7 subparagraphs (a) through (k), and please let me
8 know if you have seen Exhibit 9 before.

9 A Yes, I have seen this section before.

10 Q In paragraph 22, is it your
11 understanding that -- well, strike that question.
12 Paragraph 2 outlines Hancock's
13 allegations concerning the audit section of the
14 contract, and I want to ask you, referring back to
15 Exhibit No. 7, the set of invoices, have you
16 conducted any analysis to determine what portion,
17 if any, of the expenses and time incurred by
18 StoneTurn in connection with the audit is
19 attributable to Abbott's alleged failures to
20 comply with the audit provision of the contract as
21 alleged in paragraph 22 of Hancock's complaint?

22 A No.

23 Q Has anyone, to your knowledge,
24 undertaken that review?

1 A Not to my knowledge, no.

2 Q Are you aware of any -- any specific

3 expenses incurred by StoneTurn in connection with

4 the audit that you believe are attributable to

5 Abbott's alleged failure to comply with the audit

6 provisions?

7 A No.

8 (Document marked as Exhibit No. 10.)

9 Q Actually, before we move on to that next

10 exhibit, I just want to ask you one more question

11 about the invoice -- the set of invoices. Are you

12 aware of whether StoneTurn has written off any

13 portion of the invoices that are attached here as

14 Exhibit 7? In other words --

15 A Written off the invoices as not

16 collectible or....

17 Q In any way discounted these invoices.

18 In other words, has StoneTurn informed Choate or

19 Hancock that it doesn't need to pay some portion

20 of these invoices?

21 A No, not that I'm aware of.

22 Q Okay. Please take a look at what's been

23 marked as Hair Exhibit 10. Do you recognize this

24 document?

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1 entered in a lot of the information made available
2 on one of the documents that I was reviewing, and
3 I put that into a file, but generally speaking, we
4 -- I was not creating summaries of the documents
5 while I was at the Abbott warehouse facilities.

6 Q You mentioned various activities that
7 you performed on the audit that are encompassed
8 within this general category of analysis,
9 including calls with counsel, calls with other
10 members of the StoneTurn team, review of documents
11 at the warehouse, organization of documents,
12 reading documents for substance, preparing
13 summaries of some of the documents. Do you have
14 any way to determine at this point how many hours
15 were spent on each of those particular tasks?

16 A No.

17 Q Have you conducted any analysis of how
18 much of your time incurred on the Abbott matter,
19 if any, is attributable to Abbott's alleged
20 failures to comply with the audit provision of the
21 contract?

22 A No.

23 Q Do you believe that any of your time
24 spent on the audit was attributable to failures by

1 Abbott to comply with its audit obligations?

2 A I don't necessarily believe that the
3 time that I spent was a result of a failure per
4 se. It was time spent to do all those tasks that
5 we were engaged to perform.

6 Q And so you would have performed all of
7 the same tasks even if Abbott had responded to
8 your audit requests in a different way?

9 MS. COLLARI TROAKE: Objection. I
10 mean, you're asking effectively a hypothetical
11 without any of the -- without a complete
12 description of what the different way is. I mean
13 there could be a million different ways Abbott
14 could have done it.

15 Q Do you believe that Abbott should have
16 responded to StoneTurn's audit demands differently
17 than it actually did?

18 A Yes, I think there are ways that Abbott
19 could have responded differently.

20 Q What are those different ways you
21 believe Abbott could have responded?

22 A One important way would be to provide
23 people that we could have talked to to provide
24 context for the documents that we were reviewing,

1 A Again, based on my experience with
2 audits and compliance reviews, that's -- that's a
3 standard practice.

4 Q Do you know if John Hancock in its
5 April 12, 2004 letter to Abbott requesting
6 production of documents requested that the
7 documents be produced organized by responsiveness
8 to particular categories?

9 MS. COLLARI TROAKE: Objection. The
10 letter speaks for itself.

11 A I don't recall right now, but if you
12 have the document, I'm more than willing to review
13 it.

14 MR. LORENZINI: We don't need to
15 mark this one. It was previously marked as Hair
16 Exhibit No. 1. I'll just show it to you for the
17 record.

18 (Document exhibited to witness.)

19 (Witness perusing document.)

20 A I've reviewed the document.

21 Q Does this refresh your recollection that
22 John Hancock did not ask Abbott to produce
23 documents organized by responsiveness to
24 particular categories?

1 MS. COLLARI TROAKE: Objection. I

2 don't think he testified he couldn't recall. He

3 said he didn't know.

4 A I don't see specific language in the

5 letter that says that all documents should be

6 provided and organized by these categories in

7 Schedule A.

8 Q So John Hancock did not request that

9 Abbott produce the documents in that manner?

10 MS. COLLARI TROAKE: Objection.

11 A Again, going back to this letter, I

12 don't see those specific words that say that all

13 documents need to be organized in this way;

14 however, these are the types of documents and

15 types of topics that were of relevance and -- and

16 requested by John Hancock for the compliance

17 review.

18 Q You were mentioning ways that you

19 believe Abbott could have responded differently to

20 the document requests and the audit demands by

21 StoneTurn. You mentioned that Abbott could have

22 provided people to interview regarding the

23 documents; that it could have organized the

24 documents by category. Are there any other things

1 Q Is there anything else that you believe
2 Abbott should have done differently in response to
3 the Abbott -- to the audit?

4 A The response time probably could have
5 been better. It seems as though that certain
6 requests were made in 2004, yet it seems at we --
7 StoneTurn continued to review documents into 2005.

8 Q Isn't it correct that Abbott produced
9 the majority of the documents within the first
10 month or two of production?

11 MS. COLLARI TROAKE: Objection.

12 A A majority of the documents that were
13 produced or a majority of the documents that were
14 responsive to the requests?

15 Q Let's start with the majority of the
16 documents produced.

17 A I don't have firsthand knowledge of when
18 the boxes were produced, because that happened
19 prior to me joining StoneTurn; however, it's my
20 understanding that several boxes were provided
21 prior to my involvement.

22 Q Is there anything else you believe
23 Abbott should have done differently in response to
24 the audit?

1 A Not right now.

2 Q Is there any portion of your time as
3 recorded on Exhibit 10 that you believe is
4 attributable to Abbott's failure to do those
5 things that you just mentioned?

6 MS. COLLARI TROAKE: Objection.
7 He's already testified he didn't undertake any
8 kind of analysis in that regard.

9 A Again, I have not analyzed it that way,
10 but I believe I said previously or generally these
11 tasks were not -- that were performed and the time
12 spent -- that I spent was not necessarily a result
13 of a failure, per se, on Abbott's part, but it was
14 review, organization of documents.

15 Q So even if Abbott had done all of the
16 things you just mentioned in response to the
17 subpoena that you believe it should have done, you
18 would have spent essentially the same amount of
19 time on the audit?

20 MS. COLLARI TROAKE: Objection.
21 Again, he's testified he didn't undertake that
22 analysis.

23 A I -- I didn't analyze it that way, and
24 it's -- it's -- I'm not in a position to know how

1 hypothetically the time would have been spent if,
2 in fact, Abbott would have done things
3 differently. I don't know if it would have taken
4 longer or less time, perhaps it could have taken
5 longer if we would have had more time with people,
6 perhaps it could have taken less. I have no way
7 of really answering that.

8 Q Is there anything that you could do to
9 answer that question?

10 MS. COLLARI TROAKE: Objection.

11 A Is the question to potentially attempt
12 to go through the same process that we've already
13 gone through but this time Abbott -- I'm not sure
14 I follow the question.

15 Q I'm asking at this point in time is
16 there any way that you could determine what time,
17 if any, that you spent on the audit is
18 attributable to any failures on Abbott's part in
19 its response to the audit?

20 MS. COLLARI TROAKE: Objection.

21 A Not that I can think of, no.

22 (Document marked as Exhibit No. 11.)

23 (Document marked as Exhibit No. 12.)

24 Q Mr. Hair, you have before you what's

1 been marked as Exhibit 11, which is an index that
2 I understand was created by StoneTurn during the
3 course of its audit of Abbott. Do you recognize
4 this document?

5 A Yes.

6 Q Is it, in fact, the index that StoneTurn
7 created of the documents made available by Abbott
8 during the audit?

9 A Yes.

10 Q Does it include all of the documents
11 made available by Abbott during the audit?

12 MS. COLLARI TROAKE: Objection.

13 A No.

14 Q What categories of documents that were
15 made available in the audit are not included on
16 this index?

17 A I don't know.

18 Q Do you know why some documents made
19 available in the audit are not included on this
20 index?

21 A Partly because of the volume of
22 documents and the number of boxes and the number
23 of documents that were made available. The index
24 was not intended to index every single piece of

1 paper that was made available, but generally to
2 summarize the contents of boxes or groupings of
3 documents. So this doesn't necessarily represent
4 an index of every document, but generally the
5 contents made available.

6 Q So there were additional documents made
7 available by Abbott during the audit that are not
8 reflected on this index?

9 MS. COLLARI TROAKE: Objection. I
10 think that mischaracterizes his testimony.

11 A There were several boxes of documents
12 that contained several -- several pieces of paper,
13 not every piece of paper was included on this
14 index.

15 Q And you -- you actually entered some of
16 the data in this index, correct?

17 A Yes.

18 Q And other StoneTurn reviewers entered
19 other data in this index, correct?

20 A Correct.

21 Q And did you work with this index after
22 it was compiled?

23 MS. COLLARI TROAKE: Objection.

24 Q Let me put it another way.

1 Are you familiar with this index
2 beyond the particular entries in which you
3 physically entered the data?

4 A I reviewed the index in its entirety,
5 not necessarily line by line, but I was familiar
6 with the index as a whole, not just the lines that
7 I entered.

8 Q And in what context did you reference
9 and consult the index as a whole?

10 A For example, I came across maybe a
11 document that appeared to be of interest to me and
12 I wondered if a similar document had been reviewed
13 by someone else, and so I would look at the rest
14 of the index to see if a similar document existed.

15 Q And in entering data personally into
16 this index, did you try to be as accurate as
17 possible in describing the document or set of
18 documents?

19 A Yes.

20 Q And, to your knowledge, were other
21 members of the StoneTurn team also diligent in
22 recording information accurately in the index?

23 A To the best of my knowledge, yes.

24 Q Are there any documents listed on this

1 Are you testifying that you believe
2 that there were some documents produced by Abbott
3 that were responsive generally to this broader
4 request in the April 12th, 2004 cover letter but
5 not necessarily responsive to the specific
6 categories in Schedule A?

7 (Witness perusing document.)

8 A That could be the case, yes.

9 Q And, in fact, if you look at page 2 of
10 the letter that's been marked as Hair Exhibit
11 No. 1, it states, John Hancock requests that all
12 books and records of Abbott and its subcontractors
13 pertaining to the above-identified matters be made
14 available for its inspection and audit, regardless
15 of whether such books and records are described on
16 Schedule A.

17 So if a document was not responsive
18 to a particular category on Schedule A, it still
19 may have been responsive to the audit request,
20 correct?

21 MS. COLLARI TROAKE: Objection.

22 A Yes.

23 Q With that in mind, are there any --
24 strike that.

1 With that in mind, do you believe
2 that Abbott produced any documents in the audit
3 that were not responsive to the audit request
4 generally?

5 MS. COLLARI TROAKE: Objection.

6 A I believe that there were documents
7 provided and made available by Abbott that were in
8 addition to those documents specifically described
9 on Schedule A. I don't know if I'd necessarily
10 call them nonresponsive to the audit request
11 generally.

12 Q So is the answer no, that you don't
13 believe there were any documents made available by
14 Abbott in the audit that weren't responsive at
15 least generally to the audit request?

16 A And, again, I --

17 MS. COLLARI TROAKE: Objection.

18 A I don't know if I'm in a position, since
19 I didn't review all of the documents, to
20 adequately answer that question, since many of the
21 documents were reviewed by people other than
22 myself.

23 Q But you can't, sitting here today, think
24 of any documents or categories of documents that

1 you believe were not responsive at least in

2 general to the audit request?

3 MS. COLLARI TROAKE: Objection.

4 A Sitting here today, I can't specifically

5 think of documents that weren't generally related

6 to the audit requests.

7 Q And sitting here today, can you think of

8 any documents or categories of documents that you

9 believe Abbott produced in the audit that weren't

10 responsive to Schedule A of the April 2004 letter?

11 MS. COLLARI TROAKE: Objection. And

12 are you limiting it to the documents he actually

13 reviewed?

14 Q No, it could be any documents that

15 you're familiar with that were produced in the

16 audit.

17 A The question is whether there were

18 documents that were produced that weren't

19 specifically responsive to Schedule A?

20 Q Correct.

21 A Yes, there were documents, in my

22 opinion, that were produced that were perhaps

23 related to some of the compounds but not

24 specifically responsive to the Schedule A request.

1 Q Which documents were those, or which
2 categories of documents?

3 A Sitting here today, it's difficult to
4 answer that question.

5 Q Feel free to reference the exhibit
6 that's been marked as Exhibit 11 if it will help.

7 A This is just an index of documents, not
8 necessarily the documents themselves, so it's --
9 I'm a little disadvantaged to not have the actual
10 documents in front of me.

11 Q But sitting here today, you can't think
12 of any type of documents or categories of
13 documents that were produced by Abbott in the
14 audit that you believe are nonresponsive to
15 Schedule A?

16 MS. COLLARI TROAKE: Objection.
17 (Witness perusing document.)

18 A I can't think of any at this time.

19 MR. LORENZINI: Why don't we take a
20 break for five minutes.

21 MS. COLLARI TROAKE: Okay.
22 (Off record.)

23 Q Mr. Hair, you have before you a
24 corrected version of Exhibit 8 that we started to

1 MS. COLLARI TROAKE: Objection.

2 A Based on all the search criteria, we
3 were unable to identify it or find it in the
4 electronic database.

5 Q But you didn't review every document in
6 the electronic database to determine if you could
7 locate the documents on Exhibit 8, correct?

8 A All of the documents were reviewed in
9 the database.

10 Q StoneTurn reviewed every document in the
11 database of documents produced in the litigation?

12 A My understanding was that the database
13 was made available to us, and we not only searched
14 for specific documents in the database, but we
15 reviewed what was made available in the database.

16 Q Every document?

17 A That's my general understanding, that
18 there may have been multiple-page documents, but
19 each document would have been reviewed in some
20 form.

21 (Document marked as Exhibit No. 13.)

22 Q Mr. Hair, you have before you what's
23 been marked as Hair Exhibit 13. It's a document
24 with a title "Documents that were received by

1 StoneTurn but not identifiable or previously

2 included in the Document Index."

3 Do you recognize this document?

4 A Yes.

5 Q Did you create this document?

6 A I don't recall if I created it or if

7 someone in my office created it, but I am familiar

8 with this document.

9 Q What is it?

10 A It's, as you described, certain

11 documents had been copied by Abbott or Abbott's

12 counsel and sent to StoneTurn, and these specific

13 documents that we received were not included in

14 the index or had not been previously indexed by

15 StoneTurn.

16 Q And do you know why they hadn't been

17 included in the index previously?

18 A It's not for sure, but I know that there

19 were some documents that weren't made available to

20 us during our last visit in March, I forget the

21 exact dates, the 7th, 8th, 9th, somewhere around

22 that time period, that the company -- that Abbott

23 said they would provide to us in their entirety.

24 So it's possible that this listing are those

1 et cetera.

2 Q And if you look on Exhibit 13, you'll
3 see most of these documents, based on the
4 description, seem to be financial documents,
5 including planned spending and actual spending?

6 A Yes. And, again, if I recall correctly,
7 that this set of documents received at the end of
8 March would have been the very last box made
9 available to us, but this is the type of
10 documents, generally speaking, without having them
11 in front of me today, but generally speaking, seem
12 to be responsive specifically related to the
13 Hancock collaboration, the Hancock development and
14 financial in nature.

15 Q So these were the type of financial
16 documents that you were interested in, the sort of
17 mid-level internal Abbott financial documents
18 related to the program compounds?

19 MS. COLLARI TROAKE: Objection.

20 A And, again, I'm looking at an index or a
21 summary of documents, not the document themselves,
22 but based on the description and the file name, I
23 would generally agree that these documents were
24 relevant and responsive, especially those that

1 included summary expenditures related specifically
2 to the Hancock collaboration, the Hancock
3 development, those costs and planned expenditures,
4 yes.

5 Q Are there any other lists or indices of
6 documents that were received by StoneTurn in the
7 audit, other than this Exhibit 13 and the large
8 index that we were looking at previously that was
9 marked as Exhibit 11?

10 A I don't believe there are any additional
11 indices.

12 (Document marked as Exhibit No. 14.)

13 Q Mr. Hair, you have before you what's
14 been marked as Exhibit 14. It's entitled
15 "(Example of one document reviewed in Mundelein
16 during 3/7/05 to 3/10/05 and not copied for
17 StoneTurn. Information input by MH at 1060 North
18 High Street Warehouse)."

19 Do you recognize this document?

20 A Yes.

21 Q What is it?

22 A It is a document that I created during
23 that March timeframe that I input based on a
24 document that I reviewed.

1 inputting the information from a piece of paper

2 that I saw into a spreadsheet, the index file.

3 Q Did you input all of the information

4 from the document?

5 A My understanding is, yes, that's what

6 this document looked like; that's what this

7 document had available.

8 Q And did you receive that document -- did

9 you request a copy of that document?

10 A Yes.

11 Q Did you receive a copy?

12 A I don't recall. However, I can do an

13 analysis, if you'd like, based on the listing of

14 missing documents.

15 Q If you'd like, if it will help refresh

16 your recollection.

17 A I don't recall if we received it or not.

18 Q Do you recall if you received a copy of

19 this or if you located a copy when you searched

20 the electronic database of litigation documents?

21 A I don't recall actually going back to

22 this document and comparing it to see if we did or

23 not.

24 Q You did receive copies from Abbott of

1 documents in the audit that reflected 2001 actual

2 spending on the program compounds, correct?

3 MS. COLLARI TROAKE: Objection.

4 A There were documents, including this

5 one, that listed the program compounds and amounts

6 that were related to 2001 actual spending.

7 Q So the answer is yes?

8 A Yes.

9 Q And you also did receive copies from

10 Abbott during the audit of documents that

11 reflected 2002 estimated spending, correct?

12 MS. COLLARI TROAKE: Objection.

13 A There were some documents that we

14 reviewed in the warehouse like this one that I'm

15 looking at in Exhibit 14 that had listed amounts

16 for 2001 actual spending and projected spending

17 amounts for 2002 and 2003 and other years. So we

18 reviewed some of those. We reviewed all that were

19 made available to us. And we received some,

20 although documents like this one in Exhibit 14 are

21 also included on Exhibit 8, and these documents

22 were not provided during that audit process, that

23 compliance review process.

24 Q But in addition to the documents that

1 are listed on Exhibit 8, there were documents that
2 reflected 2001 actual expenses and 2002 and 2003
3 planned expenses on the program compounds that
4 were, in fact, copied by Abbott and provided to
5 StoneTurn, correct?

6 MS. COLLARI TROAKE: Objection. I
7 mean, are you asking are there documents that
8 stated those numbers, that purported to list those
9 numbers? I don't know what you mean by
10 "reflected." You're asking him do they accurately
11 reflect that, or did they just state those
12 numbers?

13 Q Do you understand the question,
14 Mr. Hair?

15 A And, again, I'll go back to my prior
16 response. I saw documents that included amounts
17 listed with the title 2001 Actuals, including this
18 document, and there were other documents as well.

19 Q And you also saw documents that
20 reflected planned or expected expenditures on the
21 compounds for 2002 and 2003, correct?

22 MS. COLLARI TROAKE: Objection,
23 again, to the word "reflected."

24 A There were documents that listed amounts

1 under similar titles, similar headings, yes.

2 Q And they appeared to be internal Abbott

3 documents, correct?

4 A Generally, yes. I do recall some

5 documents that Abbott provided to John Hancock as

6 well that summarized actual spending, as well as

7 estimated or planned spending for future years.

8 Q But there were also internal Abbott

9 documents?

10 A But there were also internal Abbott

11 documents.

12 Q And those documents -- some of those

13 documents were copied and provided to StoneTurn at

14 your request, correct?

15 A Yes. We identified and flagged

16 documents to be copied that had similar labels or

17 headings that purported to be actual spending

18 amounts, as well as planned spending amounts.

19 Q And you received copies of documents of

20 that sort from Abbott, correct?

21 A We did receive some, yes.

22 (Document marked as Exhibit No. 15.)

23 Q Mr. Hair, you have before you what's

24 been marked as Exhibit 15. Do you recognize this

1 document?

2 A Yes.

3 Q And for the record, the heading on the

4 document is "Abbott Research Funding Agreement

5 Audit, MH notes, 3/9/05." What is Exhibit 15?

6 A It's just that, it appears to be a -- a

7 document that I created based on some of my notes

8 that I took on March 9th, 2005, while I was at the

9 Abbott warehouse.

10 Q And there's a stamp on this document

11 that says "Redacted." Do you know what

12 information was redacted?

13 A I don't recall, no.

14 Q Were the documents that are described on

15 Exhibit 15 requested for copying by StoneTurn?

16 A May I look at the index?

17 Q Sure.

18 (Witness perusing document.)

19 A Based on the titles of the documents,

20 they also appear in Exhibit 8, so I believe they

21 were, in fact, flagged for copying.

22 Q And do you know if they were received by

23 StoneTurn during the audit?

24 A I -- I know that they weren't received

1 in March. They may have been produced during
2 litigation. I -- I just don't know specifically
3 if these two were or were not produced in
4 litigation.

5 Q And whether they were or were not, you
6 captured the information from the documents and
7 summarized it here in Exhibit 15, correct?

8 A Correct.

9 Q If you look down at the last bullet
10 point, it says, "The total spending for all
11 compounds is 171,662, which agrees to the 2003
12 Preliminary Annual Research Plan as included in
13 the 12/20/2002 letter from Abbott to John
14 Hancock."

15 Was that comment there -- was that
16 comment there reflective of your analysis of
17 whether Abbott was in compliance with its
18 contractual obligations under the Research Funding
19 Agreement?

20 MS. COLLARI TROAKE: I'm sorry,
21 could you read that question back, please?

22 (Question read.)

23 MS. COLLARI TROAKE: Objection.

24 A I don't -- I wouldn't characterize this

1 as an analysis to determine compliance. It was
2 more of a factual statement that a document had an
3 amount which was similar to an amount on another
4 document.

5 Q And to be more specific, you were
6 recording the fact that the total spending for all
7 compounds on a -- on an internal Abbott document
8 matched the amounts on the 2003 Annual Research
9 Plan that Abbott provided to John Hancock pursuant
10 to the agreement, correct?

11 MS. COLLARI TROAKE: Objection.

12 A Yes, the total spending on the file 2001
13 Actual, GPRD, Hancock Deal, that file, included an
14 amount which was similar to an amount listed on
15 the other file, yes.

16 MR. LORENZINI: Can we just take a
17 couple-minute break. Off the record for a couple
18 minutes.

19 (Off record.)

20 (Document marked as Exhibit No. 16.)

21 Q Mr. Hair, you have before you what's
22 been marked as Hair Exhibit 16. It is titled,
23 "Summary of Available Monthly Project Status
24 Reports as of 3/11/05." Do you recognize this

1 document?

2 A Yes.

3 Q What is it?

4 A It is a summary of certain documents
5 that were indexed at the Abbott warehouse, and it
6 was intended to list all of the program compounds
7 and whether or not this type of document had been
8 made available.

9 Q And who created this document?

10 A Either I or one of my staff.

11 Q And what -- what documents did they
12 reference in creating Exhibit 16?

13 A Again, based on the date of this
14 document, it was as of March 11th, which was prior
15 to us receiving copies of the documents that had
16 been indexed and flagged to be copied during our
17 visit just a couple days prior. So the document
18 that would have been referenced was either the
19 index, generally, or a summary of these -- these
20 documents that was prepared to create this, this
21 summary.

22 Q So there may have been Monthly Project
23 Status Reports received by StoneTurn in the audit
24 after March 11th, 2005 that wouldn't be reflected

1 A I don't know. I -- I don't recall an
2 analysis of that nature that was ever performed
3 to -- to confirm that all of these Xs actually had
4 a document associated with it.

5 Q If you look down at the footnote, it
6 says, "Responses based on index of Abbott
7 documents and not based on actual documents
8 received from documents as of 3/11/05."

9 Mr. Hair, I'm assuming that the
10 second -- or strike that. I'm assuming that the
11 last use of the word documents in that footnote is
12 an error; is that correct?

13 A It seems a little confusing. It may
14 make more sense if the word "Abbott" was inserted
15 rather than the word "documents."

16 Q This document Exhibit 16 purports to
17 summarize the available Monthly Project Status
18 Reports. What were the Monthly Project Status
19 Reports?

20 A I don't know if the files themselves
21 actually had that title on them or not. They were
22 documents that appeared to provide a status report
23 and appeared to be prepared monthly. So I'm not
24 sure that that's the title that Abbott used.

1 MR. LORENZINI: I'd like to mark as

2 Exhibit 17 this document.

3 (Document marked as Exhibit No. 17.)

4 Q Mr. Hair, you have before you what's

5 been marked as Hair Exhibit 17. Have you seen

6 documents of this type before?

7 A Yes.

8 Q This particular document that's been

9 marked as Exhibit 17 is dated February 2001, and

10 it's for ABT-518. Is this the type of document

11 that you referred to as Monthly Project Status

12 Reports in Exhibit 16?

13 A Yes.

14 Q So am I correct that StoneTurn, as of

15 March 11, 2005, had been provided with access to

16 documents of the type marked as Exhibit 17 for all

17 of the months noted with an X mark on Exhibit 16?

18 A Yes. Based on the index and those

19 documents that we had indexed, that's correct.

20 Q And the Monthly Project Status Reports

21 were responsive to Schedule A, correct?

22 A I believe they were, yes.

23 Q Could you take a look back at Hair

24 Exhibit No. 1, in particular at Schedule A?

1 document appears to be responsive, but without
2 having context around this document, it's
3 difficult for me to say if it was, in fact,
4 produced in the normal course.

5 Q Do you have any reason to believe that
6 Abbott produced documents in the audit that were
7 not created in the normal course of business?

8 A I have no information to confirm that or
9 otherwise. I -- I don't know the context of the
10 documents that were provided to us.

11 Q Abbott didn't tell you it was creating
12 documents that were -- strike that.

13 Abbott didn't tell you it was
14 producing documents in the audit that were
15 something other than documents created in the
16 usual course of business, did they?

17 A I don't recall Abbott clarifying
18 documents one way or the other.

19 Q But assuming this document, Exhibit 17,
20 and documents like it were created in the normal
21 course of business, then it would be responsive to
22 Schedule A, 1(k), correct?

23 A I think the actual words are, "In the
24 normal course of managing the development of each

1 program compound." If you're telling me that this
2 document and others similar to this document were,
3 in fact, prepared in the normal course of managing
4 the development of each program compound, then I
5 would say, yes, this type of document is
6 responsive to 1(k). It's one type of document
7 that would be responsive to 1(k), not necessarily
8 all documents that would be responsive to 1(k).

9 Q Would you agree that this appears to be
10 a document that would have been created in the
11 normal course of managing the development of
12 ABT-518?

13 MS. COLLARI TROAKE: Objection.

14 A It -- it could be, yes.

15 Q And if that is correct, then documents
16 such as Exhibit 17 also would be responsive to
17 category 2(a) of Schedule A, correct?

18 A Again, I'll answer that question
19 similarly to how I answered a prior question.
20 That this document may be responsive to some of
21 these categories of documents, whether it be 1(k)
22 or 2(a), but is not all the documents that would
23 be responsive to 1(k) and 2(a).

24 For example, this document would

1 other details that would support and provide
2 additional detail to the amounts that are
3 purported to have been spent.

4 Q Abbott did provide StoneTurn in the
5 audit documents that reflected spending by month
6 or by quarter for the program compounds, did it
7 not?

8 MS. COLLARI TROAKE: Objection.

9 A In some instances there were documents
10 that purported to reflect spending amounts by
11 month, and in other cases, I can't recall
12 specifics, there may have been other summaries
13 that were provided by Abbott. But, again, what --
14 what I've been talking about is not only other
15 documents that may or may not reflect the same
16 numbers and total in aggregate, but documents that
17 would provide support for these amounts that are
18 included on this document, as well as the other
19 documents.

20 Q Looking back at Schedule A of Hair
21 Exhibit No. 1, would you agree that Monthly
22 Project Status Reports such as Exhibit 17 are
23 responsive to category 2(f) of Schedule A, and in
24 particular -- actually, strike that, strike that

1 question. I think I have the wrong category.

2 Looking again at Schedule A, would

3 you agree that documents such as Exhibit 17 are

4 responsive to category 4(a) of Schedule A?

5 A Similar to my prior responses, I believe

6 that this document, Exhibit 17, may be one

7 document that could be responsive to 4(a), meaning

8 that it provides and indicates some stages of

9 development in summary form, but it does not

10 provide all information related to each of the

11 stages and the decisions of the stages and the

12 status of all the stages. But, yes, this would be

13 one document that could be responsive, not to say

14 that there wouldn't be additional documents also

15 responsive to the same item.

16 Q To save time, Mr. Hair, I should be

17 clear. None of my questions here are asking you

18 whether Exhibit 17, or documents of that type, are

19 the only documents responsive to these particular

20 categories. My questions are just limited to

21 whether documents -- Monthly Project Status

22 Reports such as Exhibit 17 are responsive to these

23 categories. Do you understand the distinction?

24 A Yes.

1 Q Would you agree that documents such as
2 Exhibit 17 are responsive to category 4(c) of
3 Schedule A?

4 A I believe that this summary report could
5 be responsive to that 4(c) as well, although some
6 of the words, "records indicating," I wouldn't
7 characterize this Exhibit 17 as "records
8 indicating," but what I've characterized as
9 somewhat of a monthly summary report.

10 Q You don't consider Exhibit 17 a record?

11 A To me it's -- it could be a record.
12 Records, perhaps, is a -- is an odd word for this,
13 meaning that I would -- I would characterize this
14 as a summary report, but it could be a record as
15 well.

16 Q You recall that the audit request called
17 for production of Abbott's books and records?

18 A Correct.

19 Q Do you consider this a book?

20 MS. COLLARI TROAKE: Objection.

21 MR. GRIESINGER: Answer that yes or
22 no.

23 A No.

24 Q It's probably more likely a record if

1 you had to put it into one of the two categories?

2 A Yes.

3 Q Would you also agree that documents such

4 as Exhibit 17 are responsive to category 4(a),

5 which is, Management reports or other documents

6 prepared in the normal course of business which

7 indicate future prospects and development

8 expectations for each program compound?

9 A And that's 4A? I'm sorry?

10 MS. COLLARI TROAKE: I'm sorry,

11 where are you?

12 MR. LORENZINI: Did I say 4A?

13 MS. COLLARI TROAKE: You did.

14 Q I meant 4(e).

15 MS. COLLARI TROAKE: 4(e).

16 A So the question is whether this

17 document --

18 Q Is responsive to 4(e).

19 A -- is responsive to 4(e).

20 Q This document and other Monthly Project

21 Status Reports.

22 A Okay. I believe this document could be

23 responsive to 4(e).

24 Q Exhibit 16 includes some shaded areas

1 shaded on Exhibit 16?

2 A I suspect it would take an analysis of
3 looking through the index to identify whether or
4 not those -- what we're calling Monthly Project
5 Status Reports existed for those two months.

6 Q StoneTurn and Hancock in their audit
7 demand actually had not requested documents
8 reflecting the status of the compounds as of
9 January or February 2001, correct?

10 MS. COLLARI TROAKE: Objection. The
11 request speaks for itself.

12 Q You may want to reference category 4 of
13 Schedule A, which asks for, "All records and
14 documents concerning the status of each program
15 compound as of March 13, 2001 and currently."

16 Does that refresh your recollection
17 that John Hancock had not requested that Abbott
18 produce documents reflecting the status of the
19 program compounds as of January or February 2001?

20 MS. COLLARI TROAKE: I'm gonna
21 object. I don't think he answered whether he
22 remembered or not.

23 A And the question is whether or not
24 category 4 of Section A was limiting to the status

1 as of March 13th and nothing prior?

2 Q That's a fair restatement of my

3 question.

4 A The document request speaks for itself,

5 but specifically in category 4, specifically

6 requests all records and documents concerning the

7 status of each program compound as of that date,

8 March 13th, 2001, and currently.

9 Q So documents reflecting the status as of

10 January or February of 2001 would not have been

11 responsive to that request?

12 MS. COLLARI TROAKE: That request

13 being just category 4 in Schedule A?

14 MR. LORENZINI: Correct.

15 A Generally speaking, I might agree with

16 that, but I don't know the timing of when these

17 reports were prepared. So I don't know if the

18 February report will be more reflective of the

19 status as of March 13th, if it was prepared at the

20 end of February or closer to March 13th, versus

21 the March report that was prepared at the end of

22 March or even in April. So I don't know for sure,

23 but category 4 is specifically asking for

24 documents as of March 13th.

1 require some kind of legal determination, and,
2 again, I'm not -- I'm not in a position to answer
3 that.

4 Q Do you know whether Monthly Project
5 Status Reports from January to February were
6 responsive to Schedule A, category 2, in your
7 opinion?

8 MS. COLLARI TROAKE: Objection.
9 Same instruction.

10 A I don't know.

11 Q Do you know whether they're responsive
12 to any other categories of Schedule A?

13 MS. COLLARI TROAKE: Other than what
14 he's already testified to?

15 MR. LORENZINI: I don't think he's
16 testified that they were responsive to any of the
17 categories.

18 MS. COLLARI TROAKE: Well, I think
19 your prior question was about Exhibit 17. It
20 talked about Exhibit 17 --

21 MR. LORENZINI: No-no-no.

22 MS. COLLARI TROAKE: -- and similar
23 reports. Isn't that what you're talking about?

24 MR. LORENZINI: This specific

1 Exhibit 17 -- Exhibit 16 that Monthly Project
2 Status Reports from those months were,
3 quote-unquote, missing, and I'm asking you, Were
4 documents, Monthly Project Status Reports, from
5 those months even responsive to Schedule A?

6 MS. COLLARI TROAKE: And, again, I'm
7 going to object because the whole line of
8 questioning about Exhibit 17, about February 2001
9 documents, already covered this. So if there's
10 anything in addition to what he testified before,
11 he can answer, if you know.

12 A I don't have anything else to say on
13 that question. I don't know if it is responsive.

14 Q And do you know if Abbott created
15 Monthly Project Status Reports after program
16 compounds were terminated?

17 A I don't know.

18 Q You'll note on the row on Exhibit 16 for
19 ABT-594 that the months starting with
20 November 2001 are shaded, and, similarly, with
21 respect to ABT-518 the months from October 2001 on
22 are shaded, and on ABT-100 months from March 2002
23 on are shaded, and the shaded, according to this
24 exhibit, means missing.

1 If Abbott had terminated development
2 of 594, 518 and 100 prior to those dates, would
3 that explain perhaps why Abbott didn't produce
4 Monthly Project Status Reports for those compounds
5 after those dates?

6 MS. COLLARI TROAKE: Objection.

7 A It could be one possible explanation,
8 but since I didn't talk to anyone at Abbott to
9 confirm that or to corroborate that, I don't know
10 for sure what their normal course was. I think
11 this document, Exhibit 16, stands for itself; that
12 they just simply weren't available. I can't tell
13 you why they weren't available.

14 Q They might just not have existed in
15 Abbott's files?

16 A They may not have existed. I just don't
17 know.

18 (Document marked as Exhibit No. 18.)

19 Q Mr. Hair, you have before you what's
20 been marked as Hair Exhibit 17. It's a two-page
21 spreadsheet, without a title, that lists --

22 MR. GRIESINGER: It's 18.

23 MR. LORENZINI: Sorry.

24 Q -- that lists a number of documents, and

1 the file names generally include a description of
2 development overview worksheet or development
3 overview. Do you recognize this document,
4 Exhibit 18?

5 A Yes.

6 Q What is it?

7 A It is a schedule that I believe -- which
8 was prepared for Exhibit 16. This schedule 18 was
9 taken from the document index that was prepared by
10 StoneTurn and, based on the file names or the
11 descriptions, summarized each of these documents,
12 which later were called "Monthly Project Status
13 Reports." Here on this Exhibit 18 it appears that
14 they're generally called "Development Overview
15 Worksheets," but it summarized those documents by
16 compound. And I believe that this document,
17 Exhibit 18, was used to prepare the summary in
18 Exhibit 16.

19 Q And do you know who created Exhibit 18?

20 A Again, it was either myself or one of my
21 staff. I don't know for sure.

22 Q And your understanding is that it was
23 created either by you or one of your staff at the
24 Abbott warehouse?

1 A I don't believe so. Again, I -- I don't
2 know for sure the date that it was prepared, but
3 looking at Exhibit 16, it says as of 3/11. That's
4 a couple days after we left the Abbott warehouse.
5 I don't want to guess here, but it would make
6 sense that we did this summary, Exhibit 18, around
7 the same time period.

8 Q And Exhibit 18 reflects a listing of
9 documents that were made available by Abbott in
10 the audit?

11 MS. COLLARI TROAKE: Objection.

12 A Exhibit 18 is a summary of the Monthly
13 Project Status Reports, or the development
14 overview worksheets, that StoneTurn had indexed
15 during the various visits at the Abbott warehouse.

16 Q If you'd turn back to Exhibit 11,
17 please, and specifically turn to the last page of
18 Exhibit 11, please.

19 A Page 69 of 69?

20 Q Correct.

21 It appears that the index marked as
22 Exhibit 11 ends with Box 16 of Pallet 19. Do you
23 see that?

24 A Yes.

1 Q And then if you turn back to

2 Exhibit 18 --

3 A Yes.

4 Q -- you'll see that Exhibit 18 includes

5 some documents that are listed as being part of

6 Box 17 of Pallet 19?

7 A Yes.

8 Q I'm just trying to understand. Does

9 Exhibit 18 consist, in part, of a -- a

10 supplemental index of documents from Box 17 on

11 Pallet 19?

12 A I don't know for sure. I don't believe

13 that this was a supplemental index, that there was

14 one index that may have been broken out to reflect

15 those documents that hadn't been copied and

16 received by StoneTurn, but it -- it's not -- I

17 wouldn't use the word "supplemental." Exhibit 18

18 is merely a summary of certain types of documents

19 that had been indexed, and I'm not sure -- I can't

20 tell you exactly why some of those aren't

21 reflected on Exhibit 11.

22 Q So just to be clear, Exhibit 18 does

23 include documents that were -- every document

24 listed on Exhibit 18 was made available to

1 StoneTurn for review, correct?

2 A That's my understanding, yes.

3 Q And so if some of those documents aren't

4 listed on Exhibit 11, then to that extent it's a

5 supplemental list of documents made available by

6 Abbott during the audit, correct?

7 A Potentially, yes. And, again, I don't

8 recall there being a separate index created. I --

9 there was one index that may have been summarized

10 differently, but I don't recall there being two

11 made.

12 Q So Exhibit 18 might have been part of

13 Exhibit 11 originally and was then broken out

14 subsequently?

15 A Yes. Yes. Yes.

16 Q So just to summarize here, Exhibit 11,

17 which is the large index, Exhibit 18, which is a

18 two-page index of development overview

19 worksheets --

20 A Yes.

21 Q -- and Exhibit 13, which is the one-page

22 index of documents received by StoneTurn on

23 March 28th, 2005 --

24 A Yes.

1 Q -- that the combination of those three
2 documents constitutes StoneTurn's entire list of
3 documents made available by Abbott in the audit?

4 A I would generally agree with that
5 without seeing it. I'm -- I was under the
6 impression that there were additional line items
7 for Box 17 included on this listing, and sitting
8 here today, I can't -- I can't tell you why they
9 don't -- they're not at the bottom of page 69 of
10 69 and running to page 70. So I don't know
11 exactly; but generally, yes, these would appear to
12 be the whole listing or the whole population of
13 index listings --

14 Q I believe --

15 A -- as well as -- let me clarify that
16 last statement -- as well as Exhibit 8 as well,
17 correct, because Exhibit 8 also includes an index
18 and specifically identifies Box 17 on it?

19 Q Correct.

20 A So maybe with those four, that -- that
21 may be the universe of the index.

22 Q Thank you, that's a helpful
23 clarification.

24 And I believe either you or

1 Mr. Martinez testified before that there were some
2 documents that were flagged for copying in Box 17
3 that were not copied by Abbott and delivered to
4 StoneTurn in the audit?

5 A Yes.

6 Q And I think we discussed those on
7 Exhibit 8 as well earlier today?

8 A In connection with Exhibit 8, you're
9 right, we did discuss that.

10 Q I just want to clarify. Abbott did copy
11 and deliver to StoneTurn some of the documents
12 from Box 17 on Pallet 19, correct?

13 A That is my understanding, yes.

14 Q For example, the Monthly Project Status
15 Reports that were part of Box 17 that are listed
16 on Exhibit 18 were copied and delivered to
17 StoneTurn?

18 A Yes.

19 (Document marked as Exhibit No. 19.)

20 Q Mr. Hair, you have before you what's
21 been marked as Hair Exhibit 19. It's titled,
22 "Summary of Available Monthly Highlights
23 Interoffice Memos, Documents Received as of
24 March 18, 2005." Do you recognize this document?

1 A Yes.

2 Q What is it?

3 A It's a document prepared by StoneTurn,
4 it appears to be created on March 18th, '05, and
5 it was somewhat similar to a prior exhibit that we
6 looked at. It was intended to summarize certain
7 documents, which were called by Abbott Monthly
8 Highlight Interoffice Memos, and to identify which
9 ones were available for each of the program
10 compounds.

11 Q And can you describe the monthly
12 highlights interoffice memos for me?

13 A I don't have one in front of me, but --
14 and if you do, it would be helpful, but as I
15 recall, there were documents that appeared to be
16 created in Word or something similar, they were
17 memos in nature, and there were summaries of the
18 various compounds in paragraph form that would
19 summarize some of the highlights or the status or
20 relevant events related to the development of
21 those compounds.

22 Q Could you turn to Exhibit 17, please?

23 A (Witness complied.)

24 Q Specifically turn to page 2 of

1 Exhibit 17. On page 2 of Exhibit 17, one of the
2 top lines says "Monthly Highlights, Key Project
3 Progress"?

4 A Yes.

5 Q Is this section of Exhibit 17 that is
6 pages 2 through 6, is that what StoneTurn referred
7 to as monthly highlights interoffice memo?

8 A No. As I previously stated, it was a
9 Word document in memo format that had paragraphs
10 that would summarize activities, status -- it
11 would at least summarize events related to the
12 various program compounds. I believe that the
13 memos themselves had the title "Monthly Highlights
14 Interoffice Memos" on them. It was a different
15 document, not like Exhibit 17. It was just
16 another document that seemed relevant and had
17 information that seemed to be responsive.

18 Q And who were the -- were the memos
19 addressed to a particular individual?

20 A No, I don't recall specifically. I
21 don't recall if they were to a distribution list
22 or to specific individuals.

23 Q And on Exhibit 19, the months that are
24 indicated with X marks, that indicates that Abbott

1 received in the audit copies of a Monthly

2 Highlight Interoffice Memo for that particular

3 month for the particular compound?

4 A I believe in your question you said

5 "Abbott." I believe you meant either Hancock or

6 StoneTurn, that these were made available to us,

7 and to be honest, I don't know if, as of this

8 date, this summary was based on physical documents

9 that had been copied and provided to StoneTurn or

10 if, again, this was similar to the prior exhibit,

11 meaning based on the index alone, without seeing

12 the physical document, what documents we had seen

13 and indexed and flagged for copying.

14 Q I note that Exhibit 19, unlike

15 Exhibit 16, doesn't include the footnote saying

16 responses are based on the index rather than

17 actual documents?

18 A Correct, I don't see that either, and

19 that's why I'm not sure, sitting here today. It

20 was as of March 18th. I don't know how many boxes

21 had been copied and provided to StoneTurn as of

22 that date, so....

23 Q And if you look at the heading of

24 Exhibit 19 also, it says, "Documents received as

1 of 3/18/05."

2 A So that may clarify it then. I have no
3 reason to believe that that description received
4 is anything other than that.

5 Q So based on that description and the
6 lack of the footnote, you believe that Exhibit 19
7 summarizes documents that had actually been copied
8 and received by StoneTurn as of March 18th, 2005?

9 A I -- I don't know for sure, but that
10 seems to make sense, yes.

11 (Document marked as Exhibit No. 20.)

12 Q Mr. Hair, you have before you what's
13 been marked as Exhibit 20. It's a one-page
14 document entitled, "Summary of Available Monthly
15 Project Status Reports as of 3/16/05."

16 A Yes.

17 Q So this is five days later than
18 Exhibit 16. Do you recognize Exhibit 20?

19 A Yes.

20 Q What is it?

21 A It is a document prepared by StoneTurn,
22 perhaps myself, which was summarizing certain
23 elements or portions of what we've called the
24 Monthly Project Status Reports, similar to that on

1 Exhibit 17, and it was intended to summarize
2 compounds ABT-518 and 594.

3 Q And was this compiled at the warehouse
4 or back at your offices?

5 A Back at the StoneTurn office.

6 Q And do you know who else might have
7 compiled this, if not you?

8 A If not me, it would have been staff.

9 Q What staff?

10 A It may have been Josh Dennis.

11 Q If you look at Exhibit 16 and compare it
12 to Exhibit 20, I note that Exhibit 20 doesn't list
13 any data for April and May 2001 with respect to
14 ABT-518?

15 A Correct.

16 Q And -- are you having trouble finding
17 Exhibit 16?

18 A I have many exhibits.

19 MR. LORENZINI: It's this one here.
20 (Indicating.)

21 A Here we go.

22 Q On Exhibit 16, according to the X marks,
23 it appears that StoneTurn had available to it
24 Monthly Project Status Reports on 5/18 for April

1 and May of 2001?

2 A Yes.

3 Q Do you know why budget numbers for those
4 months were not included on Exhibit 20?

5 A I don't know for sure. It may relate to
6 these documents themselves, meaning that these
7 were prepared by me or by my staff at my direction
8 to help summarize what we had thus far, with an
9 understanding that we -- that most of the
10 documents, if not all of the documents, had been
11 provided to us or would shortly be provided to us.

12 So the last few exhibits are
13 attempts to summarize some of the various
14 documents of what we had. Some of those
15 specifically are the Monthly Project Status
16 Reports that we deemed to be responsive and
17 relevant, that included information that was
18 useful. And, again, these -- these were never
19 finalized, as you can see in Exhibit 20, but they
20 were just prepared to help figure out and organize
21 what we had and what we didn't have. They were
22 also intended to show differences between the
23 various monthly reports, if any.

24 (Document marked as Exhibit No. 21.)

1 Q Mr. Hair, you have before you what's
2 been marked as Exhibit 21. Do you recognize this
3 document?

4 A Yes.

5 Q What is it?

6 A It's a document prepared by StoneTurn
7 following the visits to the warehouse. It was
8 generally intended to summarize some of the
9 documents that were available, had been copied and
10 produced to StoneTurn.

11 Q When -- well, who created this document,
12 first?

13 A Again, it was either myself or one of my
14 staff at my direction.

15 Q And when was it prepared?

16 A I don't know the exact date. I know
17 that it was prepared after -- after we visited the
18 Abbott warehouse in March of '05.

19 Q And after Abbott had copied documents?

20 A And after Abbott had copied documents
21 and made them available to StoneTurn. There was a
22 process in which we gathered, collected, the
23 documents, noted those that we had requested on
24 the index, identified those dates of the documents

1 that came in, and began organizing in some form or
2 fashion the documents that seemed to be most
3 responsive to the audit requests, and this
4 document here summarizes certain aspects of some
5 of those documents that we deemed responsive.

6 Q It wasn't a summary of all the
7 documents --

8 A No.

9 Q -- that you deemed responsive?

10 A No.

11 Q Just the ones that you considered most
12 relevant to the analysis you were conducting?

13 A Again, I think at this time we were
14 trying to figure out, what do we have, what is
15 available to us, what do the documents say, what
16 are the relevant aspects of the documents. And so
17 this was an attempt by StoneTurn, at no one's
18 request, to begin to summarize what we had, to see
19 what the documents were telling us.

20 Q If you'd turn -- well, let me first ask.
21 There's a number of sections here that appear to
22 be redacted. Do you know what has been redacted?

23 A I -- I don't recall. I -- I didn't do
24 the redactions.

1 Q Was the redacted material created at the
2 request of counsel, do you know?

3 MS. COLLARI TROAKE: Objection. And
4 you can answer yes or no.

5 A No. This document, as I mentioned
6 earlier, was prepared by StoneTurn at my
7 direction, because it was an attempt to summarize
8 the documents that we had. Again, I believe this
9 was created -- I don't know the exact month, but
10 shortly after we received the copies from Abbott,
11 and so it was an attempt to summarize those
12 documents and the relevant -- or certain aspects
13 of those documents in a memo form, similar to some
14 of these other exhibits that we've been looking
15 at, summarizing the available Monthly Project
16 Status Reports. None of these exhibits that we've
17 been looking at just recently were requested by
18 counsel at all. It was merely an attempt to
19 summarize what we had, to see what we had.

20 Q And there was no legal analysis in these
21 documents, I assume?

22 MS. COLLARI TROAKE: Objection. You
23 can answer yes or no, if you know.

24 A Not to my knowledge, no.

1 Q And did you or anyone at StoneTurn
2 provide copies of these summaries to counsel other
3 than in connection with document production in
4 this case?

5 A I don't recall. I don't recall. I --
6 again, since they weren't requested by counsel, I
7 don't think so, but I'm not sure.

8 Q Could you turn to page 3 of Exhibit 21?

9 MS. COLLARI TROAKE: Since it
10 doesn't have page numbers, can you give the Bates
11 label?

12 Q 021609.

13 A Okay.

14 Q Well, first let me ask a more general
15 question. Did you consider the documents that
16 were listed here and summarized here in Exhibit 21
17 to all be responsive to Schedule A of Hair Exhibit
18 No. 1?

19 MS. COLLARI TROAKE: Objection.

20 A I believe at the time it was an analysis
21 to determine what we had and what seemed to
22 provide meaningful information to us. So I don't
23 believe there was analysis -- in fact, there was
24 not an analysis to go through each one of these

1 documents listed in Exhibit 21 to determine if
2 they were responsive to Schedule A and what letter
3 and what section of Schedule A. This was intended
4 to summarize the documents that we were finding
5 that seemed to be relevant to us and provide
6 information that seemed relevant.

7 Q If you look at paragraph 4 on
8 page 021609, you'll see that it describes this
9 particular document, "Portfolio Analysis of 2001
10 Abbott Global Pharmaceutical Development Assets."
11 It describes that document as including
12 information regarding expected commercial value
13 and expected value.

14 Would you agree that the document
15 described there in paragraph 4 is responsive to
16 section 4(e) of Schedule A?

17 A I really need to keep that schedule out.
18 So going back to paragraph 4, you just read the
19 second bullet, and based on that statement, the
20 question is: Because this report appears to
21 provide some commercial value and expected value
22 by source, is it because of that that it might be
23 responsive to 4A; is that your question?

24 Q Yes. 4(e).

1 MS. COLLARI TROAKE: Paragraph 4(e).

2 A 4(e). Yes, this may be one document

3 that would be responsive to 4(e). And, again,

4 I'll just clarify that. Without having the

5 document in front of me, based on this summary

6 that I'm reading here, it may, in fact, be

7 responsive.

8 Q And if you look at the document that's

9 described in paragraph 7 of Exhibit 21 --

10 MS. COLLARI TROAKE: Just to be

11 clear, you mean the description of the document in

12 paragraph 7. You said the document.

13 MR. LORENZINI: Correct.

14 MS. COLLARI TROAKE: We don't have a

15 document, right?

16 MR. LORENZINI: Well, I think you

17 have it --

18 MS. COLLARI TROAKE: We don't have

19 it here.

20 MR. LORENZINI: -- and StoneTurn has

21 it. Correct.

22 Q And the description of that document

23 continues on to the next page as well, and it

24 includes a summary of "Success Probabilities for

1 Launch" --

2 A Yes.

3 Q -- for that particular compound?

4 A Yes.

5 Q Would you agree that the document

6 described there in paragraph 7 is responsive to

7 category 4(e) of Schedule A?

8 A Again, I'll answer this similar to the

9 way I've answered it before. One, I don't have

10 the document in front of me. Two, 4(e) is talking

11 about documents that are prepared in the normal

12 course, and I've never -- I don't know if that's,

13 in fact, the case. But based on what I'm reading

14 here in Exhibit 21, it would appear as though that

15 document reflected information related to success

16 probabilities; and if, in fact, that document was

17 prepared in the normal course of business, it very

18 well could be responsive to 4(e).

19 Q If you look at the next paragraph of

20 Exhibit 21, paragraph 8, the document is described

21 as "Pharmaceutical Products Division, Sample

22 Direct/Indirect Project Funding Distribution, 2001

23 Plan." Was that document that was described here

24 in paragraph 8 responsive to category 1(j) of

1 without having the policies and procedures, I
2 don't know if a spreadsheet properly reflected
3 those policies and procedures. So I have no idea.

4 Q The document described in paragraph 8
5 certainly would be responsive to section 1(k) of
6 Schedule A, correct?

7 A Yes. Again, without seeing the document
8 and without completely understanding normal
9 course, it would appear that there were -- there
10 was a report that reflected spending for two of
11 the program compounds, not all of them, and
12 those -- that report may be responsive to 1(k) as
13 well. And as I've said earlier, it may be
14 responsive to that category, although not all of
15 the documents that would be responsive to that
16 category.

17 (Document marked as Exhibit No. 22.)

18 Q Mr. Hair, you have before you what's
19 been marked as Exhibit 22. Do you recognize this
20 document?

21 A Yes.

22 Q What is it?

23 A It's a document prepared by StoneTurn
24 that is similar in nature to Exhibit 21 but

1 prepared for program compound ABT-594.

2 Q So Exhibit 22 reflects -- strike that.

3 Exhibit 22 is a summary by StoneTurn

4 of certain documents that were copied and

5 delivered to StoneTurn in the audit?

6 A Yes. And, again, similar to Exhibit 21,

7 this was a document prepared at my own initiative

8 to help summarize the documents that we had and

9 some of the -- some of those points listed on

10 those documents that were available at that time.

11 Q Could you turn to paragraph 3 of

12 Exhibit 22, please?

13 (Witness complied.)

14 A And to clarify, paragraph 3 is also -- I

15 believe the intent of this document was that's the

16 name of the -- of the file itself that we're

17 summarizing.

18 Q Correct. But if -- starting with

19 page 021614 and continuing to the next page --

20 A Yes.

21 Q -- it appears to be a summary of that

22 particular document?

23 A Yes.

24 Q And you'll note that the summary

1 framework.

2 Q What did you believe -- what type of
3 documents were you looking for Abbott to produce
4 in response to section 2(f)?

5 A Well -- and, again, without having the
6 document in front of me, it may be responsive but
7 it may not be. If 2(f) is specifically asking for
8 Abbott's internal approval framework for
9 determining whether or not, I don't know if this
10 document was describing a framework for the
11 decision or simply the decision or a possible
12 decision.

13 So a framework to me may mean -- it
14 may include a listing of criteria, certain success
15 probabilities, certain test results, but there may
16 be a framework to assist individuals who are
17 making the decision whether or not to -- to
18 continue to fund a program, versus -- I don't know
19 if this document -- I don't have it in front of
20 me, if it, in fact, was a framework or simply some
21 conclusions or summaries of activities that were
22 going to take place.

23 Q Would you agree that that document
24 described in paragraph 3 is responsive to

1 section 1(f) of Schedule A, which asks for
2 documents concerning, "Summary of the timing of
3 expenditures for each program compound within each
4 year"? And in particular I'll draw your attention
5 to the bullet point on Exhibit 22 which states
6 that the planned spending of the \$11.1 million
7 would be in the third quarter after anticipated
8 June 2001 go, no go decision.

9 A Without seeing the document, I would say
10 that perhaps it could be responsive to 1(f),
11 providing some information related to anticipated
12 timing of spending, but even in this case, this
13 seems to be specific to one quarter versus the
14 whole expected life of the compound.

15 (Document marked as Exhibit No. 23.)

16 Q Mr. Hair, you have before you what's
17 been marked as Exhibit 23, which is titled "John
18 Hancock, Abbott Compound Summary, Cholinergic
19 Channel Modulator, ABT-594." Do you recognize
20 this document?

21 A Yes.

22 Q What is it?

23 A It's a document prepared by StoneTurn,
24 similar to the last two exhibits that we looked

1 at. It was prepared by us to summarize certain
2 documents that were related to, in this case,
3 ABT-594, and it was summarizing some of those
4 documents by year.

5 Q And all of the documents summarized in
6 Exhibit 23 were copied and provided to StoneTurn
7 in the audit by Abbott, correct?

8 A That's my understanding, yes.

9 Q And all of them are documents that
10 StoneTurn considered particularly responsive to
11 the audit request?

12 A Again, I don't know if I'd characterize
13 them as particularly responsive, but as we
14 reviewed the documents that had been copied and
15 provided to us, these seemed to be more responsive
16 than others, and so it was an attempt to summarize
17 those documents that were made available to us.

18 Q If you look at the first page of that
19 exhibit, the second paragraph states, with respect
20 to 594, again, summarizing a document produced by
21 Abbott, it states the dates for start and
22 completion of Phase I trials?

23 A Yes.

24 Q Would you agree that the document

1 described in that paragraph is responsive to

2 section 4(c) of Schedule A?

3 A Without seeing the document, this would

4 appear to provide some information relevant to the

5 timing of when certain phases had occurred by

6 Abbott. So I think this document could be

7 responsive to 4(c). This document, like other

8 documents, was dated in 2000, prior to the -- the

9 date of the funding agreement, and so we did see

10 documents prior to that March time frame, and so I

11 guess I'm just making a note of that.

12 Q Okay. If you'd turn to the third page

13 of Exhibit 23, there is a summary of a report

14 entitled, "Global Pharmaceutical Research and

15 Development, 2001 April Update, Discovery

16 Commentary"?

17 A Yes.

18 Q And it states, "NNRs: Project is

19 selecting a DDC candidate as an ABT-594 follow-on

20 (with NeuroSearch)." Would you agree that that

21 document summarized there is responsive to

22 section 3(e) of Schedule A? And 3(e), for the

23 record, asks for documents identifying potential

24 backup compounds.

1 A I think without seeing this document in
2 front of me, it potentially could be responsive to
3 3(e); however, 3(e) is talking about records
4 identifying any and all compounds. I guess
5 perhaps this might be related to identifying one.
6 I don't know if it's -- if it's identifying "any
7 and all" compounds, but it could potentially be
8 responsive.

9 (Document marked as Exhibit No. 24.)

10 Q Mr. Hair, you have before you what's
11 been marked as Exhibit 24. It's titled "Abbott
12 Compound Summary, Dopamine Receptor Agonist
13 Program, (ABT-724). Do you recognize this
14 document?

15 A Yes.

16 Q Is this like the other documents we've
17 just recently been reviewing, a summary prepared
18 by StoneTurn of certain documents that were copied
19 and delivered to StoneTurn in the audit?

20 A Yes.

21 Q And did you or someone under your
22 direction prepare this document?

23 A Yes, it would have been me or someone
24 under my direction.

1 Q And did you consider the documents
2 described in Exhibit 24 to be responsive to the
3 Schedule A of Hancock's audit demand?

4 A Again, I don't recall that we went
5 through a specific analysis to compare each
6 document back to Schedule A, but generally
7 speaking these were the documents that seemed to
8 have more information on them than others, so
9 perhaps.

10 Q Are there any documents listed on
11 Exhibit 24 that you believe to be nonresponsive to
12 Schedule A?

13 MS. COLLARI TROAKE: Objection. You
14 want him to go just based on the summary there?

15 MR. LORENZINI: Based on his
16 recollection of the documents, as well as the
17 summary.

18 MS. COLLARI TROAKE: You want to go
19 through each page of the --

20 A I don't have a specific recollection of
21 each of these documents.

22 Q Looking through that summary that's been
23 marked as Exhibit 24, do you see any that appear
24 to be nonresponsive to Schedule A?

1 during the audit?

2 MS. COLLARI TROAKE: Objection. Do

3 you want him to read the whole document?

4 A I have not read this whole document.

5 I -- I saw it today.

6 Q Okay. I'll move on to another question.

7 Why don't you take a look at the

8 next document, which has been marked as

9 Exhibit 26.

10 A Okay.

11 Q This is a document with the header

12 "Activity/Communication Log Between MH of

13 StoneTurn Group and Abbott Personnel."

14 A Yes.

15 Q Is this, in fact, a log created by you

16 of communications with Abbott personnel?

17 A Yes.

18 Q Does this log reflect all of your

19 communications with Abbott during the course of

20 the audit?

21 A No.

22 Q What communications did you have with

23 Abbott personnel that are not reflected in this

24 log?

1 A I recall there were certain
2 conversations related to timing of when documents
3 would be provided or timing of when we would be
4 able to go to a warehouse, or administrative-type
5 items that weren't necessarily substantive related
6 to the documents or the compliance review per se.

7 Q Do you recall any specific
8 communications that are not listed here?

9 A I believe I had some calls with Michelle
10 Campbell prior to the January 31st, '05 date when
11 Chris Martinez and I showed up to the Abbott
12 warehouse. I don't think they're all reflected
13 there. And, again, as I recall, the conversations
14 were about what day to show up, what time to show
15 up, things of that nature.

16 Q So you think this log captured all of
17 your substantive communications with Abbott
18 personnel?

19 A Substantive, yes.

20 Q If you look at the third entry on the
21 log, it states that you requested of Carey
22 Crimmins that certain documents with redacted
23 title pages be made available, and the date of
24 this entry is January 31st, 2005.

1 during our review.

2 Q But you did receive them in the

3 litigation?

4 A Well, I don't have the specifics here.

5 Perhaps we could have flagged one of these

6 documents and we may have received a copy in its

7 redacted form, but I don't have any recollection

8 of making a request of Carey or Michelle to say,

9 Is this document available in unredacted form and

10 can you give it to me, and I don't recall that

11 ever happening, that it was given in an unredacted

12 form based on that request.

13 Q But do you recall that documents that

14 had previously been redacted were made available

15 to you during the litigation?

16 A Yes, I'm aware of that.

17 Q Do you know if these specific documents

18 that are referenced in this log were made

19 available?

20 A I don't know.

21 MS. COLLARI TROAKE: Objection.

22 MR. LORENZINI: Just give me 30

23 seconds here.

24 MS. COLLARI TROAKE: Sure.

Hair Deposition Exhibit 1

D's Exhibit 692

John Hancock Financial Services, Inc.

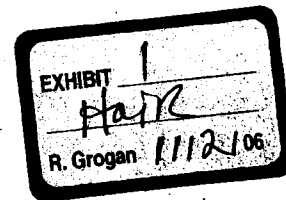
Bond and Corporate Finance Group

John Hancock Place
Post Office Box 111
Boston, Massachusetts 02117
(617) 572-9624
Fax: (617) 572-1628
E-mail: sblewitt@jhancock.com

Stephen J. Blewitt
Senior Managing Director



April 12, 2004



BY FAX (847) 937-6683
CONFIRMATION COPY BY U.S. FIRST CLASS MAIL

Mr. James L. Tyree
Vice President, Global Licensing & New Business Development
Abbott Laboratories
200 Abbott Park Road
Abbott Park, IL 60064-6189

Re: Research Funding Agreement by and between Abbott Laboratories and John Hancock Life Insurance Company, John Hancock Variable Life Insurance Company, and Investors Partner Life Insurance Company, dated as of March 13, 2001

Dear Jim:

Pursuant to § 2.5 of the Research Funding Agreement by and between Abbott Laboratories and John Hancock Life Insurance Company, John Hancock Variable Life Insurance Company and Investors Partner Life Insurance Company, dated as of March 13, 2001 (the "Agreement"), John Hancock Life Insurance Company, John Hancock Variable Life Insurance Company and Investors Partner Life Insurance Company (collectively, "John Hancock") hereby give notice of the exercise of their right to inspect and audit all books and records of Abbott and of any Subcontractor¹ of Abbott with respect to the following matters:

1. All Program Related Costs expended by Abbott during each Program Year;
2. Compliance by Abbott with its obligations, under § 2.2 of the Agreement, to prepare and provide John Hancock with an Annual Research Plan, and to conduct the Research Program during each Program Year in accordance with the Annual Research Plan for such Program Year;
3. Compliance by Abbott with its obligation, under § 2.3 of the Agreement, to use Commercially Reasonable Efforts to conduct the Research Program in accordance with the requirements of § 2.3 of the Agreement;
4. Compliance by Abbott with its obligation, under § 4.3 of the Agreement, to substitute Program Compounds in accordance with the requirements of § 4.3 of the Agreement;

¹ Unless otherwise specified herein, capitalized terms used in this letter and in the attached Schedule A shall have the same definitions as those set forth in the Agreement.

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5. Compliance by Abbott with its obligation, under § 4.3 of the Agreement, to out-license or divest Ceased Compounds to third parties in accordance with the requirements of § 4.3 of the Agreement;
6. The stage of development and status of each Program Compound as of March 13, 2001; and
7. The current stage of development and status of each Program Compound.

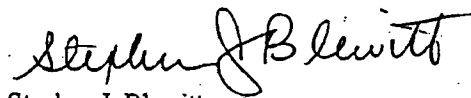
Attached hereto as Schedule A is a preliminary list of those categories of books and records that John Hancock reasonably expects will be made available for its inspection and audit of these matters. The list is provided solely to assist Abbott in complying with this notice, and not by way of limitation. John Hancock requests that all books and records of Abbott and its Subcontractors pertaining to the above-identified matters be made available for its inspection and audit, regardless whether such books and records are described on Schedule A.

John Hancock's inspection and audit of the books and records of Abbott, as set forth herein, shall be conducted by Christopher Martinez, Brian Napper and other employees of the StoneTurn Group, LLP, a firm of independent auditors retained by John Hancock. The audit shall take place during normal business hours commencing on May 12, 2004, and continuing from day to day thereafter until completion, subject to adjournment as may be necessary to accommodate scheduling exigencies. In accordance with § 2.5 of the Agreement, John Hancock reserves its right to designate for copying, at its initial expense (but subject to reimbursement by Abbott in accordance with § 2.5 of the Agreement), any or all of the books and records of Abbott that are subject to its inspection and audit.

Please inform me before the close of business on May 5, 2004 of the specific location at which Abbott will make its books and records available for inspection and audit pursuant to this notice. Please also provide me with the name of the person who the StoneTurn Group's representatives should contact upon their arrival to begin their inspection and audit.

Thank you for your anticipated cooperation.

Very truly yours,



Stephen J. Blewitt

Attachment

cc: General Counsel (by fax, 847-938-6277; confirmation copy by mail)
Lawrence R. Desideri, Esq.
Peter E. Gelhaar, Esq.
Brian A. Davis, Esq.
Michael Arthur Walsh, Esq.

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Schedule A

1. All records and documents indicating expenditures made by Abbott related to any compound that is now or ever was a Program Compound, including the following:
 - a. Abbott's standard policies and procedures related to accounting for project/program related expenditures;
 - b. Abbott's chart of accounts as relevant to accounting for project/program related expenditures;
 - c. Summary of costs/expenditures incurred by Program Compound by year delineating expenditures by nature (*e.g.*, direct costs incurred by Abbott, subcontractor costs, allocated indirect costs, *etc.*);
 - d. Accounting framework for compiling the expenditures presented (*i.e.*, whether cost assembled on an accrual or cash basis of accounting);
 - e. Identification of whether expenditures presented were capitalized or expensed under General Accepted Accounting Procedures ("GAAP") definitions;
 - f. Summary of the timing of expenditures for each Program Compound within each year presented;
 - g. Contracts or other governing documents and information related to all Research Program activities performed by Subcontractors;
 - h. Reconciliations of annual expenditures by Program Compound to the audited financial statements of Abbott;
 - i. Calculations, algorithms, and basis for all allocations included in the total expenditures by Program Compound by year;
 - j. Abbott standard policies and procedures related to allocation of indirect costs;
 - k. Expenditure/Costs summaries and/or reports prepared in the normal course of managing the development of each Program Compound; and
 - l. Underlying supporting records (*e.g.*, timesheets, payroll records, purchase orders, invoices, *etc.*) for all expenditures made related to each Program Compound.
2. All records and documents discussing or evidencing the implementation and conduct of the Research Program, including but not limited to:
 - a. Reports/Updates/Summaries prepared by Abbott in the normal course of managing the development of the Program Compounds;
 - b. Listing of all reports/updates/summaries typically prepared by Abbott during the normal course of developing an experimental pharmaceutical compound;
 - c. Minutes/Summaries/Notes from all management meetings in which any of the Program Compounds were reviewed or approved for further development funding;
 - d. Analysis and documentation supporting all forward looking projections of expenditures to be incurred for each Program Compound by year;

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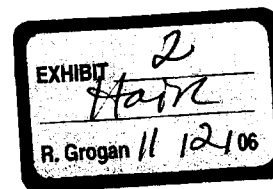
- e. Abbott policies and guidance as to the appropriate and/or required methods/approaches/procedures for conducting a research program for an experimental pharmaceutical compound;
 - f. Abbott's internal approval framework for determining whether or not to continue to fund and develop an experimental pharmaceutical compound, including all relevant thresholds for approval along the compound development process; and
 - g. Minutes/Summaries/Notes from all Abbott meetings regarding continued funding of product development for any Program Compounds.
3. All records and documents concerning Abbott's obligations under § 4.3 of the Agreement, including but not limited to:
- a. Records identifying any and all Replacement Compounds;
 - b. Records identifying any and all Failed Early Stage Program Compounds;
 - c. Records identifying any and all Ceased Compounds;
 - d. All documents pertaining to Abbott's consideration or selection of any compound to replace any Failed Early Stage Program Compound;
 - e. Records identifying any and all compounds that Abbott held out as or considered to be "back up" compounds for the compounds that constituted the Program Compounds (i) on the effective date of the Agreement, and (ii) as of the end of each calendar year 2001 through 2003; and
 - f. All documents pertaining to the actual or attempted out-licensing or divestiture of any Ceased Compound.
4. All records and documents concerning the status of each Program Compound as of March 13, 2001 and currently, including but not limited to:
- a. Reports/Summaries/Meeting Minutes which indicate the stage of development of each compound that originally constituted a Program Compound during the first calendar quarter of 2001;
 - b. Records describing the various stages into which Abbott generally categorizes the pre-clinical and clinical development of experimental pharmaceutical compounds;
 - c. Records indicating when each Program Compound reached each stage of pre-clinical or clinical development into which Abbott generally categorizes the pre-clinical and clinical development of experimental pharmaceutical compounds;
 - d. Reports/Summaries/Meeting Minutes which evidence the current status of each Program Compound; and
 - e. Management Reports and/or other documents prepared in the normal course of business which indicate future prospects and development expectations for each Program Compound.

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Hair Deposition Exhibit 2

D's Exhibit HY



-----Original Message-----

From: Davis, Brian [mailto:BDavis@choate.com]
Sent: Tuesday, April 05, 2005 9:46 AM
To: D'Amore, Stephen
Cc: cmartinez@stoneturn.com; mhair@stoneturn.com
Subject: RE: John Hancock/Abbott - Audit Issues

Steve,

May I have your response to the requests contained in the e-mail message that I sent to you last Tuesday (the text of which is set out below)? As mentioned in that message, John Hancock would like to bring the current audit to a close as soon as possible.

Thank you.

Brian Davis
CHOATE, HALL & STEWART LLP
Tele: 617-248-5056

Steve,

Thank you for your message. We now have established that Abbott refuses to answer any of the questions contained in Mr. Hair's March 10, 2005 e-mail message to Ms. Campbell. You still have not addressed the second part of my March 25 inquiry, however. Is Abbott willing to make knowledgeable Abbott personnel available to representatives of the StoneTurn Group for the purpose of answering questions regarding the books and records that have been produced by Abbott and the subject matter of the audit? StoneTurn personnel have various audit questions that cannot be answered from an inspection of the materials produced by Abbott, and they wish to obtain answers to those questions as soon as possible. Furthermore, direct interviews of knowledgeable personnel are a typical part of the audit process, and have been permitted by Abbott in the course of past audits of Abbott performed by StoneTurn representatives. There is no valid reason why the present audit should be treated any differently. Once again, I ask that you notify me of Abbott's position on this issue.

With respect to the documents that Abbott removed from the copy set that was sent to StoneTurn, I never agreed that Abbott could refuse to copy books and records that had been designated by StoneTurn on the ground that Abbott subsequently deemed them to be irrelevant. As previously stated, all of the materials designated by StoneTurn were selected for copying because of their apparent relevance. I ask again that Abbott abide by its prior agreement to deliver copies of those materials to StoneTurn within "3-5 business days after the day on which they are designated." I further ask that Abbott (or your office) immediately provide me with a log of any and all documents that were removed by Abbott from the copy set that was sent to StoneTurn (regardless of the basis for that decision) that sets forth: (a) the full title of the document; (b) the date of the document; (c) the full name and title of each author of the document; (d) the full name and title of each recipient of the document; (e) a description of the general subject matter of the document; and (f) an identification of the specific grounds upon which it was removed and withheld by Abbott. As you know, John Hancock has expressly reserved the right to challenge any claim of attorney-client privilege or work product that Abbott may assert with respect to documents or materials produced during the audit. John Hancock intends to exercise that right, as appropriate, in the circumstances.

Brian Davis
CHOATE, HALL & STEWART LLP
Tele: 617-248-5056

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4/6/2005

ABBT 0000215

Message

Page 2 of 6

-----Original Message-----

From: D'Amore, Stephen [mailto:SDamore@winston.com]**Sent:** Tuesday, March 29, 2005 10:24 AM**To:** Davis, Brian**Subject:** RE: John Hancock/Abbott - Audit Issues

Brian,

I also do not see any value in debating your general question of what obligations, not explicit in the text of the agreement, can be "derived" from Section 2.5's requirement that Abbott's relevant "books and records" shall be "subject to copying, inspection and audit. . . ." The only questions that are ripe to debate at this point are those that were, in fact, asked by StoneTurn in Mark Hair's March 10, 2005 e-mail. In that e-mail, Mr. Hair requested that Abbott undertake the grossly unreasonable and unduly burdensome task of going over the 800-plus boxes containing millions of pages of documents made available and reviewed by StoneTurn to identify by title and location the responsiveness of those documents to the individual items in Hancock's audit request. I am quite confident that you are wrong in your assumption that Section 2.5, or any "typical" form of audit, requires Abbott to undertake that task as part of a "reasonable response" to an audit request.

Concerning the small number of documents designated by StoneTurn from "Box 17" that were not copied, those documents were not copied because they were privileged, subject to attorney work product or were not within the scope of Hancock's audit right or audit request. Your comment about waiver of privilege is baseless. In your January 19, 2005 e-mail concerning, inter alia, audit materials subject to privilege and work product you stated that "John Hancock agrees that Abbott's inadvertent production of such documents or materials shall not constitute a waiver of any claim of attorney-client privilege or work product that Abbott may have with respect to such documents or materials." Moreover, whether or not StoneTurn designated them for copying, Abbott will not provide copies of materials not related to the Research Program under the Agreement or otherwise not responsive to the audit request, even if they were inadvertently made available for inspection by StoneTurn. Copies of this small number of documents, therefore, will not be sent to StoneTurn. The remainder of the contents of Box 17 have already been copied and shipped to StoneTurn.

Finally, your comment about my January 30, 2005 e-mail is a complete distortion of that e-mail. Among other things, the e-mail clearly does not promise to provide Hancock's auditors copies of privileged or non-responsive material under any timeframe.

Sincerely,

Stephen D'Amore
WINSTON & STRAWN LLP
(312) 558-5934

-----Original Message-----

From: Davis, Brian [mailto:BDavis@choate.com]**Sent:** Friday, March 25, 2005 4:29 PM**To:** D'Amore, Stephen**Cc:** cmartinez@stoneturn.com; mhair@stoneturn.com; Troake, Karen Collari**Subject:** RE: John Hancock/Abbott - Audit Issues

Steve,

I received your message. Abbott's obligation to provide reasonable responses to questions posed by John Hancock's independent auditors, the StoneTurn Group, derives from Abbott's explicit agreement in Section 2.5 to subject its books and records concerning the Research Program to "copying, inspection and audit by (and at the

4/6/2005

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Message

Page 3 of 6

expense of) John Hancock at any time and from time to time." I don't intend to debate the point with you; I'm simply trying to determine Abbott's position. I understand from your response that, notwithstanding the language of Section 2.5, Abbott is not willing to answer questions raised by StoneTurn representatives regarding the materials produced and the subject matter of the audit, and is not prepared to make knowledgeable Abbott personnel available for that purpose. If I am wrong in this regard, please correct me.

Concerning the designated audit documents that Abbott has removed from the copy set sent to StoneTurn, any privilege associated with those documents was waived when Abbott voluntarily produced them for inspection the week of March 7. Furthermore, the documents were designated for copying (and presumably were made available for inspection by Abbott in the first instance) *precisely because they are relevant to the subject matters that StoneTurn is auditing*. Finally, Abbott's refusal to deliver copies of documents designated by StoneTurn personnel in the course of the audit directly violates the promise contained in your January 30, 2005 e-mail message to me, in which you stated that "Abbott will endeavor to have copies of audit materials designated by StoneTurn delivered to StoneTurn 3-5 business days after the day on which they are designated." Accordingly, I ask that Abbott immediately deliver to StoneTurn all materials designated for copying by StoneTurn personnel in the form in which they originally were produced by Abbott. Please let me know by Monday, March 28, whether Abbott will honor this request.

Sincerely,

Brian Davis
CHOATE, HALL & STEWART LLP
Tele: 617-248-5056

-----Original Message-----

From: D'Amore, Stephen [mailto:SDamore@winston.com]
Sent: Friday, March 25, 2005 4:01 PM
To: Davis, Brian
Subject: RE: John Hancock/Abbott - Audit Issues

Brian,

I do not share your purported belief that Abbott misunderstands the terms of the Research Funding Agreement and its corresponding obligations. I invite you to identify where in the Agreement, and specifically where in Section 2.5 of the Agreement, Abbott is obligated to provide answers to Mr. Hair's March 10, 2005 email seeking an identification of the location within the production and the responsiveness of the more than 800 boxes containing million of pages of documents that Abbott has made available to StoneTurn for copying, inspection and audit. I, for my own part, cannot find any such obligation in Section 2.5 of the Agreement, and I do not believe any such obligation is contained elsewhere in the Agreement's text or spirit. Having had access to Abbott's audit documentation there is no reason why StoneTurn itself could not have cataloged the location and identified the responsiveness of the millions of pages of documents that Abbott has produced over the course of the last nine or ten months. If those are the questions that StoneTurn would like to have answered, i.e., questions about the location within the production and responsiveness of the millions of pages Abbott has produced (and StoneTurn itself has already reviewed), then Ms. Campbell has accurately articulated Abbott's unwillingness to engage in that exercise.

Additionally, I believe your comments about the spirit of the Agreement and about what is "typical" for a compliance audit are inconsistent with Hancock's refusal to identify the audit documentation that StoneTurn has provided to Hancock's outside litigation counsel during pending litigation, a request that falls clearly within the inherent meaning and spirit of Section 2.5's requirement that the auditors must be independent and reasonably acceptable to Abbott. Moreover, there has been nothing "typical" about the way Hancock has attempted to exercise its audit rights here. I would venture to say that the extraordinarily burdensome and unreasonably broad scope of Hancock's audit request is atypical, if not unprecedented, in Abbott's experience, and is far more akin to a fishing expedition or litigation discovery.

4/6/2005

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ABBT 0000217

Message

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Finally, with respect to the last box of audit documentation designated by StoneTurn for copying during the week of March 7, certain documents contained in that box, and made available to StoneTurn for review, were removed and are being evaluated as potentially privileged or non-responsive to Hancock's audit request because, among other things, they do not address the Program Compounds under the Agreement. I believe Michelle Campbell has already communicated this to Mr. Hair. After evaluation Abbott will send copies of any of these documents that are non-privileged and responsive directly to StoneTurn.

Thank you.

Stephen D'Amore
WINSTON & STRAWN LLP
(312) 558-5934

-----Original Message-----

From: Davis, Brian [mailto:BDavis@choate.com]
Sent: Thursday, March 24, 2005 10:01 AM
To: D'Amore, Stephen
Cc: mhair@stoneturn.com; cmartinez@stoneturn.com
Subject: John Hancock/Abbott - Audit Issues

Steve,

I have included at the bottom of this message an e-mail that Michelle Campbell sent to Mark Hair of the StoneTurn Group on March 22, 2005. The content of the e-mail is self-explanatory, but I believe that it reflects a misunderstanding of the terms of the Research Funding Agreement and Abbott's corresponding obligations. Section 2.5 of the Agreement provides, in relevant part, that the "books and records of Abbott and each Subcontractor related to the Research Program ... shall be subject to copying, inspection and audit by (and at the expense of) John Hancock at any time and from time to time." Hancock's right to "audit" Abbott's compliance with the Agreement is separate from, and in addition to, its right to inspect and copy Abbott's books and records. An "audit" typically encompasses a comprehensive examination process in which the auditor is free, at a minimum, to ask follow-up questions and obtain relevant information both orally and in written form. Such a view of the audit process also is consistent with the manner in which StoneTurn representatives have performed audits of Abbott's operations in the past (with, I note, Abbott's approval and cooperation).

I understand from Ms. Campbell's March 22 e-mail that Abbott asserts that it has fulfilled its obligations under Section 2.5 simply by making certain written documents requested by John Hancock and StoneTurn available for inspection and copying, and that Abbott now is refusing to answer questions raised by StoneTurn representatives regarding the materials produced and the subject matter of the audit. I ask you to confirm whether Ms. Campbell accurately has stated Abbott's position. If so, I ask that Abbott reconsider its position, which is contrary to both the plain terms, and the spirit, of Section 2.5. If not, I would like to work with you to make the necessary arrangements to allow StoneTurn to complete its compliance audit. We are rapidly approaching the one-year anniversary of John Hancock's initial audit request and Hancock is anxious to bring the audit process to a conclusion as soon as possible. Accordingly, prompt answers to these questions would be appreciated.

On a related note, I have been informed that certain documents produced to StoneTurn by Abbott during the week of March 7 and designated for copying may have been removed from the copy set delivered to StoneTurn. Please confirm that all materials designated for copying by StoneTurn have been delivered to StoneTurn in the form in which they were produced by Abbott.

Thank you. I look forward to your response.

Brian Davis
CHOATE, HALL & STEWART LLP
Tele: 617-248-5056

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4/6/2005

ABBT 0000218

Message

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Hi Mark -

I am responding to your March 10, 2005 e-mail regarding the audit documents. You should have received today the final box of copies of documents from among those designated during the week of March 7, 2005. You should receive by the end of this week additional documents, less than one box, that were not available for review before your team left on Thursday, March 10.

Regarding the spreadsheet for ABT-627 mentioned in your e-mail, I will also try to send either an electronic version of the spreadsheet or a more easily readable print out of the spreadsheet as soon as possible.

Finally, regarding your remaining questions and request for identification of the specific documents that respond to each category of Hancock's audit requests, Abbott has fulfilled its obligation to comply with the audit provision of the contract, subject to the production of the remaining number of documents mentioned above.

Kind Regards,

Michelle

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4/6/2005

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4/6/2005

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Hair Deposition Exhibit 3

D's Exhibit HW



Michelle L Campbell

03/25/2005 03:05 PM

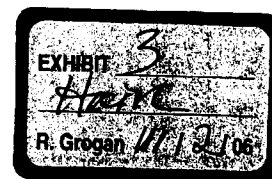
To: "Mark Hair" <mhair@stoneturn.com>
cc: "Chris Martinez" <cmartinez@stoneturn.com>
Subject: Re: John Hancock Audit

Hi Mark -

Certain documents were removed, and are being investigated as being either non-responsive to the audit request or privileged.

Have a great holiday.

Michelle L. Campbell
Litigation Paralegal
Abbott Laboratories
Dept. 324 Bldg. AP6D
100 Abbott Park Road
Abbott Park, Illinois 60064
Phone: 847-937-1518
Fax: 847-938-6235



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"Mark Hair" <mhair@stoneturn.com>



"Mark Hair"
<mhair@stoneturn.com>
m>

03/23/2005 03:48 PM

To: "Michelle L Campbell" <michelle.campbell@abbott.com>
cc: "Chris Martinez" <cmartinez@stoneturn.com>
Subject: John Hancock Audit

Michelle,

We have gone through the copies of box #17 that we received yesterday. It appears that some of the documents requested are not included in the copy set (StoneTurn requested a complete set of copies of the entire box). Please confirm that all documents from box #17 have been provided or explain why certain documents have not been provided. Your immediate attention to this matter is appreciated. Thank you.

Mark Hair
StoneTurn Group, LLP

Office: 925-974-3376
Fax: 925-974-3338
Mobile: 203-300-3692

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ABBT 0000270

mhair@stoneturn.com
www.stoneturn.com

2121 N. California Blvd., Suite 290
Walnut Creek, CA 94596

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ABBT 0000271

Hair Deposition Exhibit 4

D's Exhibit HX



"Mark Hair"
<mhair@stoneturn.co
m>

To: "Michelle L Campbell" <michelle.campbell@abbott.com>
Subject: FW: FW: JH - Abbott Audit Documentation

03/22/2005 11:22 AM

Michelle,

We have not yet received some of the flagged documents from our review during the week of March 7th. We are still waiting for a copy of box #17 and copies of other documents that were not available for our review (Carey said that since they weren't ready to be reviewed when we were there, he would make a complete copy and send to us). Do you know when we can expect the remaining documents? Also, do you have responses to the questions in the March 10th email (see below)? Thanks for your assistance.

-Mark

From: Mark Hair
Sent: Friday, March 18, 2005 2:28 PM
To: 'Michelle L Campbell'
Cc: Chris Martinez
Subject: RE: FW: JH - Abbott Audit Documentation

Michelle,

We received 3 more boxes yesterday. We are still waiting for copies of box # 17 and the set of documents that were not available for our review last week. Also, please let us know if you have responses to the questions in last week's email (see below). Thanks.

-Mark

From: Michelle L Campbell [mailto:michelle.campbell@abbott.com]
Sent: Tuesday, March 15, 2005 2:08 PM
To: Mark Hair
Cc: Chris Martinez
Subject: Re: FW: JH - Abbott Audit Documentation



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ABBT 0000273

Mark -

Additional boxes are being copied and will be shipped to you for receipt by the end of the week. I am currently traveling and do not yet have a response to the your e-mail.

Thanks

Michelle L. Campbell
Litigation Paralegal
Abbott Laboratories
Dept. 324 Bldg. AP6D
100 Abbott Park Road
Abbott Park, Illinois 60064
Phone: 847-937-1518
Fax: 847-938-6235

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"Mark Hair" <mhair@stoneturn.com>

03/15/2005 01:39 PM

To: <michelle.campbell@abbott.com>

cc: "Chris Martinez" <cmartinez@stoneturn.com>

Subject: FW: JH - Abbott Audit Documentation

Michelle,

We received 5 boxes of documents last Friday and another 2 boxes today. Are there more boxes to come? Also, I haven't heard back from you on the email below. Please let us know your responses to the questions below. Thanks for your assistance.

Mark Hair

From: Mark Hair
Sent: Thursday, March 10, 2005 12:21 PM
To: Michelle L Campbell
Cc: Chris Martinez
Subject: JH - Abbott Audit Documentation

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ABBT 0000274

Michelle,

It was good to meet you briefly yesterday in Mundelein. As I mentioned yesterday, we have some observations and questions related to the documents provided for the audit.

This week, a total of 17 new boxes were provided for review. We flagged documents to be copied, gave requests to Carey Crimmins, and several boxes have already been sent out for copying. When should we plan to receive the copied documents? Please continue to send copies to my attention at the address below.

Also, we noted some financial documents/spreadsheets that appeared to provide cost details for one of the Program Compounds, ABT-627. The formatting of the documents caused various costs to be printed on separate pages from the cost descriptions, making the financial reports unusable. We discussed this issue with Carey and flagged this report as well as other documents for further follow up. We would like electronic copies of these documents or have documents printed in a usable format. Additionally, the above mentioned spreadsheet appears to be only related to program costs incurred for ABT-627 during 2004. Are similar reports available for the other Program Compounds and other years (2000 - 2004)? If so, when will these documents be made available for review?

We also noted that there are no emails included in the boxes related to the Program Compounds. It is our understanding that requests were made for emails to be available for review. Have emails been provided in the available documents? If so, which boxes contain these emails? If they have not yet been produced, when will they be available for review?

As we left the Mundelein facility today, Carey said that there was one additional set of documents (less than one box) that was not available at the time of our review, but that the entire set of documents would be copied and sent to us. Except for this one set of documents, Carey was not aware of any additional documents that were going to be produced for the audit. I wanted to confirm this with you as well. Have all documents been made available for the audit? Are you aware of any additional documents that have not yet been provided to us? If so, when will additional documents be available for review?

Attached is a spreadsheet summarizing John Hancock's requests for information/documentation as included in Schedule A of the April 12, 2004 letter from Steven Blewitt. Are all documents related to these requests included in the documents currently available for review? With respect to each of the requested items from Schedule A, please respond to the following:

- (i) Whether all requested information/documents have been produced for the Audit
- (ii) The titles and descriptions of the responsive documents
- (iii) The location of the documents, including site and box number

Thank you for your assistance, and I look forward to hearing from you.

Mark Hair

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ABBT 0000275

StoneTurn Group, LLP

Office: 925-974-3376

Fax: 925-974-3338

Mobile: 203-300-3692

mhair@stoneturn.com

www.stoneturn.com

2121 N. California Blvd., Suite 290
Walnut Creek, CA 94596

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Hair Deposition Exhibit 5

D's Exhibit HZ



"Mark Hair"
<mhair@stoneturn.com>
m>

03/18/2005 04:28 PM

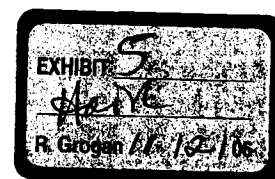
To: "Michelle L Campbell" <michelle.campbell@abbott.com>
Subject: RE: FW: JH - Abbott Audit Documentation

Michelle,

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-Mark

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Sent: Tuesday, March 15, 2005 2:08 PM
To: Mark Hair
Cc: Chris Martinez
Subject: Re: FW: JH - Abbott Audit Documentation



Mark -

Additional boxes are being copied and will be shipped to you for receipt by the end of the week. I am currently traveling and do not yet have a response to the your e-mail.

Thanks

Michelle L. Campbell
Litigation Paralegal
Abbott Laboratories
Dept. 324 Bldg. AP6D
100 Abbott Park Road
Abbott Park, Illinois 60064
Phone: 847-937-1518
Fax: 847-938-6235

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"Mark Hair" <mhair@stoneturn.com>

03/15/2005 01:39 PM

To: <michelle.campbell@abbott.com>
cc: "Chris Martinez" <cmartinez@stoneturn.com>

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Subject: FW: JH - Abbott Audit Documentation

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Mark Hair

From: Mark Hair
Sent: Thursday, March 10, 2005 12:21 PM
To: Michelle L Campbell
Cc: Chris Martinez
Subject: JH - Abbott Audit Documentation

Michelle,

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We also noted that there are no emails included in the boxes related to the Program Compounds. It is our understanding that requests were made for emails to be available for review. Have emails been provided in the available documents? If so, which boxes contain these emails? If they have not yet been produced, when will they be available for review?

As we left the Mundelein facility today, Carey said that there was one additional set of documents (less than one box) that was not available at the time of our review, but that

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the entire set of documents would be copied and sent to us. Except for this one set of documents, Carey was not aware of any additional documents that were going to be produced for the audit. I wanted to confirm this with you as well. Have all documents been made available for the audit? Are you aware of any additional documents that have not yet been provided to us? If so, when will additional documents be available for review?

Attached is a spreadsheet summarizing John Hancock's requests for information/documentation as included in Schedule A of the April 12, 2004 letter from Steven Blewitt. Are all documents related to these requests included in the documents currently available for review? With respect to each of the requested items from Schedule A, please respond to the following:

- (i) Whether all requested information/documents have been produced for the Audit
- (ii) The titles and descriptions of the responsive documents
- (iii) The location of the documents, including site and box number

Thank you for your assistance, and I look forward to hearing from you.

Mark Hair
StoneTurn Group, LLP

Office: 925-974-3376
Fax: 925-974-3338
Mobile: 203-300-3692
mhair@stoneturn.com
www.stoneturn.com

2121 N. California Blvd., Suite 290
Walnut Creek, CA 94596

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Hair Deposition Exhibit 11

D's Exhibit LJ Part I

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JHH 021526

John Hancock - Document Index

Copy Requested Copy Received

Page	Request	Received	Revised	Location	Page	Box	Box ID	Compound	File Name	Document Type	Date Range
1	1	1	1	1	1	1	1	1	1	1	1
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3	101-3	AI-103	A-10103	Investigator Package	2001
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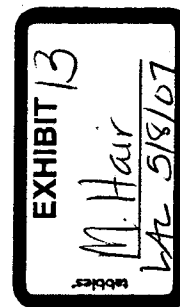
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1		03/28/05	03/28/05	MH			NA		John Hancock Portfolio Summary, R&D costs and Development Timeline, 2003 Plan (1 page, 2001 Actuals, 2002 LBE, 2003 PLAN, total cumulative)
2		03/28/05	03/28/05	MH			NA		Global Pharmaceutical Research & Development, Hancock Collaboration, Spending by Program, in millions of dollars (1 page, Q4 2002, Q3 YTD 2003, Q4 LBE 2003)
3		03/28/05	03/28/05	MH			NA		Global Pharmaceutical Research & Development, Hancock Development Collaboration Portfolio, spending by Program (1 page, 2001, 2002, 2003, LBE 2004, plan 2005)
4		03/28/05	03/28/05	MH			NA		John Hancock Funding Agreement, Development Portfolio, Annual Progress Report (November 2004), (2-page word document)
5		03/28/05	03/28/05	MH			NA		Global Pharmaceutical Research & Development, Hancock Collaboration, Spending by Program, in millions of dollars (1-page, Q4 2002, Q3 YTD 2003, Q4 LBE 2003)
6		03/28/05	03/28/05	MH			NA		Global Pharmaceutical Research & Development, Hancock Development Collaboration Portfolio, Spending by Program (1-page, 2001, 2002, 2003, LBE2004, Plan 2005)
7		03/28/05	03/28/05	MH			NA		Global Pharmaceutical Research & Development, Hancock Funding Agreement, Spending by Program, in millions of dollars (1-page, Month 10 YTD 2004, Mo. 11 & 12 LBE 2004)
8		03/28/05	03/28/05	MH			NA	ABT-627	Global Pharmaceutical Research & Development, Hancock Funding Agreement, Spending by Program (1-page)
9		03/28/05	03/28/05	MH			NA	ABT-627	Global Pharmaceutical Research & Development, Hancock Funding Agreement, Spending by Program (1-page)
10		03/28/05	03/28/05	MH			NA	ABT-627	Global Pharmaceutical Research & Development, Hancock Funding Agreement, Spending by Program (1-page)
11		03/28/05	03/28/05	MH			NA	ABT-627	Global Pharmaceutical Research & Development, Hancock Funding Agreement, Spending by Program (1-page)
12		03/28/05	03/28/05	MH			NA	ABT-627	Global Pharmaceutical Research & Development, Hancock Funding Agreement, Spending by Program (1-page)
13		03/28/05	03/28/05	MH			NA	ABT-751	Global Pharmaceutical Research & Development, Hancock Funding Agreement, Spending by Program (1-page)
14		03/28/05	03/28/05	MH			NA	ABT-510	Global Pharmaceutical Research & Development, Hancock Funding Agreement, Spending by Program (1-page)
15		03/28/05	03/28/05	MH			NA	ABT-751	Global Pharmaceutical Research & Development, Hancock Funding Agreement, Spending by Program (1-page)
16		03/28/05	03/28/05	MH			NA	ABT-627	Global Pharmaceutical Research & Development, Hancock Funding Agreement, Spending by Program (1-page)
17		03/28/05	03/28/05	MH			NA	ABT-627	Global Pharmaceutical Research & Development, Hancock Funding Agreement, Spending by Program (1-page)
18		03/28/05	03/28/05	MH			NA	ABT-627	Global Pharmaceutical Research & Development, Hancock Funding Agreement, Spending by Program (1-page)
19		03/28/05	03/28/05	MH			NA	ABT-627	Global Pharmaceutical Research & Development, Hancock Funding Agreement, Spending by Program (1-page)
20		03/28/05	03/28/05	MH			NA		Global Pharmaceutical Research & Development, Hancock Funding Agreement, Spending by Program, in millions of dollars (1-page, Month 10 YTD 2004, Mo. 11 & 12 LBE 2004)
21		03/28/05	03/28/05	MH			NA		John Hancock Funding Agreement, Development Portfolio, Annual Progress Report (November 2004) (2-page Word Document)
22		03/28/05	03/28/05	MH			NA		Abbott / John Hancock Funding Collaboration, 2002 Y/E Estimate for JH Development Portfolio (3MM) (1-page, 2002 Actuals October YTD, Nov LBE, Dec LBE, 2002 LBE Projected Y/E, 2002 Plan JH Submission, Variance, Comments *4 copies)
23		03/28/05	03/28/05	MH			NA		No title. Excel spreadsheet listing John Hancock compounds (1-page, time 2003 actuals)
24		03/28/05	03/28/05	MH			NA		No title. Excel spreadsheet listing John Hancock compounds (1-page, time 2003 actuals)
25		03/28/05	03/28/05	MH			NA		No title. Excel spreadsheet listing JH compounds (1-page, M10 YTD** Actual, LBE Total)



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Hair Deposition Exhibit 15

D's Exhibit LL

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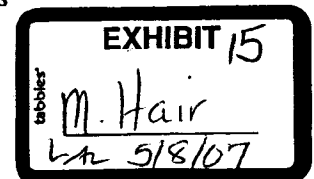
John Hancock
Abbott Research Funding Agreement Audit
MH Notes – 3/9/05

The last box of documents provided to us on 3/9/05 included several spreadsheets related to the "Hancock Deal".

- There are several iterations of a spreadsheet, "2001 APU, Hancock LBE, GPRD" at least one spreadsheet has a date on the lower left corner of 4/16/2001

Source	Compound									Total
	773	627	594	510	492	100	518	751	724	
Exhibit 1.6 (3/12/2001)	91.5	38.0	35.0	9.0	25.0	6.0	7.0	10.0	6.0	227.5
2001 APU (4/16/2001)	69.7	33.9	7.4	9.5	25.5	-	6.0	7.4	-	159.4
Difference	(21.8)	(4.1)	(27.6)	0.5	0.5	(6.0)	(1.0)	(2.6)	(6.0)	(68.1)

- A spreadsheet, "2001 Actual, GPRD, HANCOCK DEAL" reports actual spending for each Program Compound by month. The total spending for all compounds is \$171,662, which agrees to the 2003 Preliminary Annual Research Plan as included in the 12/20/2002 letter from Abbott to John Hancock. At the bottom of the spreadsheet, there is a monthly and quarterly analysis of revenue recognition related to the John Hancock funding. Two tests are applied to determine revenue recognition. Test two notes "46 month life of deal" in the revenue calculations and appears to be used to determine the life or period of time to recognize revenue.



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D's Exhibit LM

John Hancock / Abbott
Summary of Available Monthly Project Status Reports
As of 3/11/05*

Compounds	2001												Total
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
ABT-773			x	x	x	x	x	x	x	x	x	x	9
ABT-627			x	x	x	x	x	x	x	x	x	x	10
ABT-594			x	x	x	x	x	x	x	x	x	x	7
ABT-492			x	x	x	x	x	x	x	x	x	x	9
ABT-510			x	x	x	x	x	x	x	x	x	x	10
ABT-518			x	x	x	x	x	x	x	x	x	x	6
ABT-751			x	x	x	x	x	x	x	x	x	x	10
ABT-100			x	x	x	x	x	x	x	x	x	x	4
ABT-724			x	x	x	x	x	x	x	x	x	x	4
Total	0	0	7	7	7	7	7	6	5	9	8	6	7

Page 6

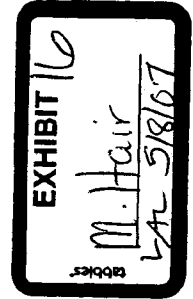
Compounds	2002												Total
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
ABT-773	x	x	x	x	x	x	x	x	x	x	x	x	7
ABT-627	x	x	x	x	x	x	x	x	x	x	x	x	8
ABT-594	x	x	x	x	x	x	x	x	x	x	x	x	0
ABT-492	x	x	x	x	x	x	x	x	x	x	x	x	8
ABT-510	x	x	x	x	x	x	x	x	x	x	x	x	8
ABT-518	x	x	x	x	x	x	x	x	x	x	x	x	0
ABT-751	x	x	x	x	x	x	x	x	x	x	x	x	8
ABT-100	x	x	x	x	x	x	x	x	x	x	x	x	2
ABT-724	x	x	x	x	x	x	x	x	x	x	x	x	8
Total	7	7	7	6	0	6	0	6	5	6	0	0	0

Compounds	2004												Total
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
ABT-773													0
ABT-627													0
ABT-594													0
ABT-492													0
ABT-510													0
ABT-518													0
ABT-751													0
ABT-100													0
ABT-724													0
Total	0	0	0	0	0	0	0	0	0	0	0	0	0

NOTE:

* Responses based on index of Abbott documents and not based on actual documents received from documents as of 3/11/05

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Hair Deposition Exhibit 17

D's Exhibit MA

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ABBT 0000343

ABT-518

Feb-01

ABT-518 Matrix Metalloproteinase Inhibitor

Franchise 500	Co./Startup	Brand Name	Generic Name	Year Entered	Indication(s)
	Phase I	180	180	2018	Solid tumors such as breast, non-small cell lung, ovarian and colorectal cancers, non-Hodgkin's lymphoma

SBT-516 is a metalloproteinase inhibitor that selectively targets MMP-2 and MMP-9, metalloproteinases that have been implicated in the progression of cancer

In preclinical studies ABT-518 inhibits tumor growth in a variety of murine tumor models when administered alone, or acts synergistically with cytotoxic agents. ABT-518 also blocks blood vessel formation in a murine angiogenesis model.

UNIT	VALUE	CAGR	UNITED NATIONS, MARKETS, MARKET DRIVERS	KEY COMPETITIVE PATENT TO MARKET
TRX	NA		<p>Despite major advances in our understanding of the molecular events that underlie cancer, this disease remains the second leading cause of death in the US, with more than 500,000 cancer deaths last year alone. Today advanced cancer is primarily treated with a combination of cytotoxic agents that typically either limited efficacy coupled with debilitating side effects. New therapies that demonstrate a clinically significant improvement in efficacy (survival or time to disease progression as a surrogate is favored) and limited side effects are highly sought after and represent a major market opportunity.</p>	<p>MMETs (e.g. BMS-275291, pemetrexate); Tisanes; Taxol; Taxotere and generic paclitaxel; Other cytotoxics such as Gemzar, Navelbine, Complesar, Hycamtin, G-UC, Metabo, Plafond and Paclitaxel. Antibody therapeutics such as Herceptin and Rituxan; Emerging cytotoxic agents such as tyrosine kinase inhibitors (e.g. Iressa, SUE1416), FTKs, and other epigenetic inhibitors (e.g. andostatin, argalinatin). The competitors will vary depending upon the cancer type (e.g. where ABBV-518 demonstrates efficacy.</p>
Sales	\$300 MM	14% global		

IRCA	There are significant unmet needs in cancer EUS, where cancer is the leading cause of death in Japan and the second leading cause of death in Europe. Physicians are looking agents that demonstrate improved efficacy when used either as a single agent or in combination with existing therapies.
IMA	Competition are similar to those in the US. Government agency analysis for cost effectiveness of the therapy is important for reimbursement in some countries.

[illegible]

Product/Profile (Efficacy, Safety, Convenience)	Prob	Share Impact
Safety/AE Addition of ABT-518 to cyclophosphamide does not add significant side effects; side effects are similar to current gold standard		
Conven. Oral, daily therapy		
Efficacy Initial indication: Approved for use in second line regimen in advanced patients in one endometrial cancer (e.g. breast, NSCLC, ovarian, NHL or colorectal); in combination with cytotoxic therapies demonstrates clinically significant improvement in survival or time to tumor (or disease) progression compared to current gold standard in second line therapy		
Efficacy Second indication (in year 3): Approved as a first line therapy in advanced patients in the same tumor type as initial indication with equivalent or marginally better efficacy compared to current gold standard		
Efficacy Third indication (in year 5): Approved as a second line therapy in a distinct tumor type, with equal or marginally better efficacy than current gold standard		
Other US: For patients with commercial insurance, ABT-518 will be covered with a minimal co-pay (<\$30). Medicare will not reimburse for ABT-518 as a self-administered medication; 75% patient compliance		

Year	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Revenue (\$MM)	1,038	1,029	1,029	1,029	1,029	1,029	1,029	1,029	1,029	1,029
Operating Income (\$MM)	189	189	189	189	189	189	189	189	189	189
Net Income (\$MM)	189	189	189	189	189	189	189	189	189	189
EPS (\$)	1.89	1.89	1.89	1.89	1.89	1.89	1.89	1.89	1.89	1.89
Operating Margin (%)	18.3%	18.3%	18.3%	18.3%	18.3%	18.3%	18.3%	18.3%	18.3%	18.3%
Net Margin (%)	18.3%	18.3%	18.3%	18.3%	18.3%	18.3%	18.3%	18.3%	18.3%	18.3%
Pre-Tax NPV / 12.5% (global)	\$484	\$484	\$484	\$484	\$484	\$484	\$484	\$484	\$484	\$484

Commercial Profile	U.S.	EU-U.S.
Launch Date	Q3 2005	Q1 2007
Price per Day at Launch (AWP)	\$8,000.00	\$4,500.00
Sales force & peak sales (\$MM)	38	Similar to cancer drugs
Promo & peak sales (\$MM)	\$3	\$4
COGS @launch, @ peak	8%	25
Market/Extremis/Other	Assumes 2% annual price increase	60% S&W

End of Phase I (early 2002)

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February 2001

ABT-518

Monthly Highlights – Key Project Progress

- Study initiation visits were conducted on 2/14 and 2/15.

Next Quarter's Key Progress Markers

Key Progress Marker	Target Date
• First patient enrolled	3/12
• Preliminary results from 6-week rat hepatotoxicity study	3/31
• Pre-IND meeting with FDA	6/1
• Preliminary results from 3-month rat chronic toxicity study	6/30

Key Project Issues and Risks

Risk or Issue	Potential or Known Impact Check all that apply and Describe Impact	Strategy / Progress	Area / Responsibility	Resolution Date Planned / Actual
Identification of FDA requirements for cytostatic agents in oncology drug development.	<input type="checkbox"/> Cost <input type="checkbox"/> Time <input type="checkbox"/> Profile <input checked="" type="checkbox"/> Regulatory	Phase I IND study to Transition program to solicit FDA input.	Clinical	6/1/01
Key tox finding was hepatotoxicity in one-month rat study. <i>In-vitro</i> and <i>in-vivo</i> data indicate a potential for mechanism based drug interactions.	<input type="checkbox"/> Cost <input type="checkbox"/> Time <input checked="" type="checkbox"/> Profile <input checked="" type="checkbox"/> Regulatory	The Phase I first-in-man protocol has been designed to address these issues. A 6-week tox and metabolism studies have been completed. Results are under review. A 3-month rat toxicity study is ongoing.	Toxicology/ Metabolism	7/1/01

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February 2001

ABT-518

Key Project Issues and Risks

Risk or Issue	Potential or Known Impact Check all that apply and Describe Impact <input type="checkbox"/> Cost <input type="checkbox"/> Time <input checked="" type="checkbox"/> Profile <input type="checkbox"/> Regulatory	Strategy / Progress	Area / Responsibility	Resolution Date Planned / Actual
As several competitors are in Phase II/III, ABT-518 product profile will need to demonstrate advantage over the other compounds (i.e., safety/efficacy)		Ongoing analysis and comparison of competition throughout transition. ABT-518 has the potential to be the best in class compound. Pfizer (Agouron) announced 8/4/00 that they were stopping Phase III trials of pinomastat in advanced prostate and NSCLC because "primary efficacy objectives were not met". They are continuing trials in less advanced tumors, e.g., glioma and NSCLC, and will start trials in two additional tumor types. Efficacy was shown with marimastat in less advanced gastric cancer, but British Biotech announced on 9/27/00 that marimastat in combination with carboplatin was no better than carboplatin alone in advanced ovarian cancer. Marimastat development was discontinued on 2/15/01. Both the Pfizer compound and British Biotech's compound are hindered by dose-limiting joint toxicity.	Competitive Environment	
	<input type="checkbox"/> Cost <input type="checkbox"/> Time <input type="checkbox"/> Profile <input type="checkbox"/> Regulatory			

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February 2001**ABT-518****Key Activities**

Commercial		
Activity	LBE	Actual
Market research to assess commercial potential of cancer types, both US and Ex-US	4/2001	
Assessment of patient compliance (for revision of forecast)	3/2001	
Assessment of off-label vs. spillover use (for revision of forecasts)	3/2001	
Assessment of cancer market growth (for revision of forecasts)	4/2001	
Assist with advisory planning	4/2001	
Development of brand and generic names	Late 2001	

Formulation		
Activity	Plan	Actual
Phase I Formulation	10/2000	
Phase II Formulation		
Formulation for Bio Study		
Phase III Clinical Supplies Manufactured		
NDA Lots (3) Completed		
Completion of 1 Year Stability for NDA		
Formulation Peer Review		

Drug Substance

Plan Date: 3/2000

Activity	KG	Plan	Actual	Actual Projected Cost/kg
Chem Scien (GLP)	3.0/1.7	6/2000	6/16/00	\$133,300
Chem Scien (GMP)	2.0/3.8	6/2000	6/29/00	\$133,300
Chem Scien	15.0	6/2001		
SPD				
SPD				
SPD				
Demo Lot				
NDA Lot #1				
NDA Lot #2				
NDA Lot #3				
Validation Lot				

Toxicology

Plan Date: 3/2000

Toxicology Activity	Planned Start	Actual Start Date	Report Completed
Gene Toxicology	5/2000		
Acute Studies	5/2000		
2-Week Monkey (non-GLP)	12/1999	12/14/99	
1-Month Rat (non-GLP screening)	12/1999	12/14/99	
1 Month Rat (GLP)	6/2000	6/27/00	
1 Month Monkey (GLP)	6/2000	6/29/00	
3 Month Rat	1/2001	1/2/01	
3 Month Mouse MTD			
SEG I and SEG II			
SEG III Rat (post natal development)			
6 Month Rat			
1 Year Monkey			
Carcinogenicity (2 yr) Rat			
Carcinogenicity (2 yr) Mouse			

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February 2001**ABT-518****All Clinical Studies:**

Protocol Number	Phase	Study Name	Start 1 st Pt. Dosed	End (Last CRF In)	Patients		Protocol Number	Phase	Study Name	Start 1 st Pt. Dosed	End (Last CRF In)	Patients	
					Target	Current						Target	Current
M00-235	I	MD Study in cancer patients	2/28		40								
TBD	I	IND Study			20								

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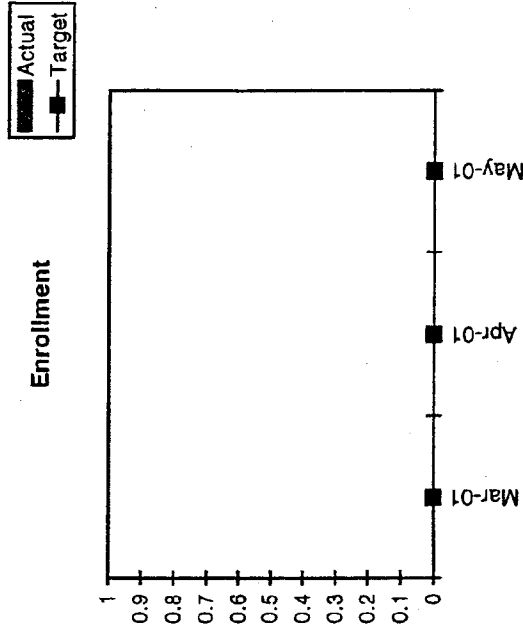
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February 2001**ABT-518****Ongoing Clinical Studies** (List first time in man, Phase II Dose-Ranging and Pivotal Trials)

Protocol: M00-235 - Phase I MD in cancer patients
 Objective: Determine MTD and safety profile in cancer patients
 ABT-518 Doses: 25, 50, 100, 200, 400, 800, 1200, 1600, 2000 mg/day
 Comparator Doses: N/A
 Target Enrollment: 40
 Status: Study initiated, clinical supplies delivered
 Major Findings:

MX-XXX - TITLE



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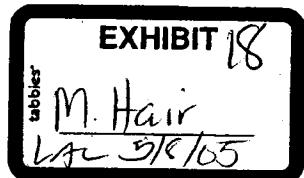
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D's Exhibit LN

Reviewer	Pallet	Box	Compound	File Name
JD	Pallet 19	6	ABT-100	ABT-100 Dec 01 Development Overview Worksheet
JD	Pallet 19	17	ABT-100	ABT-100 Feb 02 Development Overview Worksheet
JD	Pallet 19	3	ABT-100	ABT-100 Jan 02 Development Overview Worksheet
JD	Pallet 19	6	ABT-100	ABT-100 Nov 01 Development Overview Worksheet
JD	Pallet 19	6	ABT-100	ABT-100 Oct 01 Development Overview Worksheet
JD	Pallet 19	6	ABT-100	ABT-100 Sep 01 Development Overview Worksheet
JD	Pallet 19	6	ABT-492	ABT-492 Dec 01 Development Overview Worksheet
JD	Pallet 19	17	ABT-492	ABT-492 Feb 02 Development Overview Worksheet
JD	Pallet 19	3	ABT-492	ABT-492 Jan 02 Development Overview Worksheet
JD	Pallet 19	3	ABT-492	ABT-492 Jul 02 Development Overview Worksheet
JD	Pallet 19	3	ABT-492	ABT-492 Jun 01 Development Overview Worksheet
JD	Pallet 19	17	ABT-492	ABT-492 Jun 02 Development Overview Worksheet - missing first page
JD	Pallet 19	3	ABT-492	ABT-492 Mar 01 Development Overview Worksheet
JD	Pallet 19	6	ABT-492	ABT-492 Mar 02 Development Overview Worksheet
JD	Pallet 19	3	ABT-492	ABT-492 Mar 03 Development Overview Worksheet
JD	Pallet 19	6	ABT-492	ABT-492 Nov 01 Development Overview Worksheet
JD	Pallet 19	6	ABT-492	ABT-492 Oct 01 Development Overview Worksheet
JD	Pallet 19	6	ABT-492	ABT-492 Oct 02 Development Overview Worksheet
JD	Pallet 19	6	ABT-492	ABT-492 Sep 01 Development Overview Worksheet
JD	Pallet 19	6	ABT-492	ABT-492 Sep 02 Development Overview Worksheet
MH	Pallet 19	17	ABT-492	Apr-01 ABT-492 (Dev. Overview 5 pages)
MH	Pallet 19	17	ABT-492	Apr-01 ABT-492 (Dev. Overview, 5 pages)
MH	Pallet 19	14	ABT-492	Aug-01, ABT-492 (Dev. Overview, 5 pages)
MH	Pallet 19	17	ABT-492	Aug-02 ABT-492 (Dev. Overview 7 pages)
MH	Pallet 19	17	ABT-492	May-01, ABT-492 (Dev. Overview, 5 pages)
MH	Pallet 19	17	ABT-492	May-02 ABT-492 (Dev. Overview 6 pages)
MH	Pallet 19	17	ABT-510	- Apr-01 ABT-510 (Dev. Overview 6 pages)
MH	Pallet 19	14	ABT-510	- Aug-01 ABT-510 (Dev. Overview, 5 pages)
MH	Pallet 19	17	ABT-510	- Aug-02 ABT-510 (Dev. Overview 8 pages)
MH	Pallet 19	14	ABT-510	- Jul-01 ABT 510 (Dev. Overview 5-pages)
MH	Pallet 19	17	ABT-510	- June 2003, ABT-510 (Dev. Overview, 5 pages)
MH	Pallet 19	17	ABT-510	- Mar-01, ABT-510 (Dev. Overview, 6 pages)
MH	Pallet 19	17	ABT-510	- May-02 ABT-510 (Dev. Overview 6 pages)
JD	Pallet 19	6	ABT-510	ABT-510 Dec 01 Development Overview Worksheet
JD	Pallet 19	17	ABT-510	ABT-510 Feb 02 Development Overview Worksheet
JD	Pallet 19	3	ABT-510	ABT-510 Jan 02 Development Overview Worksheet
JD	Pallet 19	3	ABT-510	ABT-510 Jun 01 Development Overview Worksheet
JD	Pallet 19	17	ABT-510	ABT-510 Jun 02 Development Overview Worksheet
JD	Pallet 19	3	ABT-510	ABT-510 Mar 01 Development Overview Worksheet
JD	Pallet 19	6	ABT-510	ABT-510 Mar 02 Development Overview Worksheet
JD	Pallet 19	3	ABT-510	ABT-510 Mar 03 Development Overview Worksheet
JD	Pallet 19	3	ABT-510	ABT-510 May 01 Development Overview Worksheet
JD	Pallet 19	6	ABT-510	ABT-510 Nov 01 Development Overview Worksheet
JD	Pallet 19	6	ABT-510	ABT-510 Oct 01 Development Overview Worksheet
JD	Pallet 19	6	ABT-510	ABT-510 Oct 02 Development Overview Worksheet
JD	Pallet 19	6	ABT-510	ABT-510 Sep 01 Development Overview Worksheet
JD	Pallet 19	6	ABT-510	ABT-510 Sep 02 Development Overview Worksheet
MH	Pallet 19	17	ABT-518	- Apr-01 ABT-518 (Dev. Overview, 5 pages)
MH	Pallet 19	14	ABT-518	- Jul-01 ABT 518 (Dev. Overview, 5-pages)
MH	Pallet 19	17	ABT-518	- Mar-01 ABT-518 (Dev. Overview, 6 pages)
MH	Pallet 19	17	ABT-518	- May-01, ABT-518 (Dev. Overview, 6 pages)
JD	Pallet 19	3	ABT-518	ABT-518 Jun 01 Development Overview Worksheet
JD	Pallet 19	3	ABT-518	ABT-518 Mar 01 Development Overview Worksheet
JD	Pallet 19	6	ABT-518	ABT-518 Sep 01 Development Overview Worksheet
JD	Pallet 19	17	ABT-520	ABT-520 Feb 02 Development Overview Worksheet
MH	Pallet 19	17	ABT-594	- Apr-01 ABT-594 (Dev. Overview, 8 pages)
MH	Pallet 19	14	ABT-594	- Jul-01 ABT-594 (Dev. Overview, 7-pages)
MH	Pallet 19	17	ABT-594	- Mar-01 ABT-594 (Dev. Overview, 6 pages)
JD	Pallet 19	3	ABT-594	ABT-594 Jun 01 Development Overview Worksheet
JD	Pallet 19	3	ABT-594	ABT-594 Mar 01 Development Overview Worksheet
JD	Pallet 19	3	ABT-594	ABT-594 May 01 Development Overview Worksheet **LOOK AT LATER
JD	Pallet 19	6	ABT-594	ABT-594 Oct 01 Development Overview Worksheet
JD	Pallet 19	6	ABT-594	ABT-594 Sep 01 Development Overview Worksheet
MH	Pallet 19	17	ABT-627	- Apr-01 ABT-627 (Dev. Overview, 7 pages)
MH	Pallet 19	14	ABT-627	- Aug-01 ABT 627 (Dev. Overview, 9 pages)
MH	Pallet 19	17	ABT-627	- Aug-02 ABT-627 (Dev. Overview 9 pages)
MH	Pallet 19	14	ABT-627	- Jul-01 ABT-627 (Dev. Overview, 8-pages)

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MH	Pallet 19	17	ABT-627	- June 2003, ABT-627 (Dev. Overview, 8 pages)
MH	Pallet 19	17	ABT-627	- Mar-01 ABT-627 (Dev. Overview, 7 pages)
MH	Pallet 19	17	ABT-627	- May-01, ABT-627 (Dev. Overview, 8 pages)
MH	Pallet 19	17	ABT-627	- May-02 ABT-627 (Dev. Overview 10 pages)
JD	Pallet 19	6	ABT-627	ABT-627 Dec 01 Development Overview Worksheet
JD	Pallet 19	17	ABT-627	ABT-627 Feb 02 Development Overview Worksheet
JD	Pallet 19	3	ABT-627	ABT-627 Jan 02 Development Overview Worksheet
JD	Pallet 19	3	ABT-627	ABT-627 Jun 01 Development Overview Worksheet
JD	Pallet 19	17	ABT-627	ABT-627 Jun 02 Development Overview Worksheet
JD	Pallet 19	3	ABT-627	ABT-627 Mar 01 Development Overview Worksheet
JD	Pallet 19	6	ABT-627	ABT-627 Mar 02 Development Overview Worksheet
JD	Pallet 19	3	ABT-627	ABT-627 Mar 03 Development Overview Worksheet
JD	Pallet 19	6	ABT-627	ABT-627 Nov 01 Development Overview Worksheet
JD	Pallet 19	6	ABT-627	ABT-627 Oct 01 Development Overview Worksheet
JD	Pallet 19	6	ABT-627	ABT-627 Oct 02 Development Overview Worksheet
JD	Pallet 19	6	ABT-627	ABT-627 Sep 01 Development Overview Worksheet
JD	Pallet 19	6	ABT-627	ABT-627 Sep 02 Development Overview Worksheet
MH	Pallet 19	17	ABT-724	- Aug-02 ABT-724 (Dev. Overview 5 pages)
MH	Pallet 19	17	ABT-724	- May-02 ABT-724 (Dev. Overview 8 pages)
JD	Pallet 19	6	ABT-724	ABT-724 Dec 01 Development Overview Worksheet
JD	Pallet 19	17	ABT-724	ABT-724 Feb 02 Development Overview Worksheet
JD	Pallet 19	17	ABT-724	ABT-724 Feb 02 Development Overview Worksheet
JD	Pallet 19	3	ABT-724	ABT-724 Jan 02 Development Overview Worksheet
JD	Pallet 19	17	ABT-724	ABT-724 Jun 02 Development Overview Worksheet
JD	Pallet 19	6	ABT-724	ABT-724 Mar 02 Development Overview Worksheet
JD	Pallet 19	3	ABT-724	ABT-724 Mar 03 Development Overview Worksheet
JD	Pallet 19	6	ABT-724	ABT-724 Nov 01 Development Overview Worksheet
JD	Pallet 19	6	ABT-724	ABT-724 Oct 01 Development Overview Worksheet
JD	Pallet 19	6	ABT-724	ABT-724 Oct 02 Development Overview Worksheet
JD	Pallet 19	6	ABT-724	ABT-724 Sep 01 Development Overview Worksheet
JD	Pallet 19	6	ABT-724	ABT-724 Sep 02 Development Overview Worksheet
MH	Pallet 19	17	ABT-751	- Apr-01 ABT-751 (Dev. Overview, 5 pages)
MH	Pallet 19	14	ABT-751	- Aug-01, ABT 751 (Dev. Overview, 8 pages)
MH	Pallet 19	17	ABT-751	- Aug-02, ABT-751 (Dev. Overview 8 pages)
MH	Pallet 19	14	ABT-751	- Jul-01 ABT-751 (Dev. Overview, 5-pages)
MH	Pallet 19	17	ABT-751	- June 2003 ABT-751 (Dev. Overview, 8 pages)
MH	Pallet 19	17	ABT-751	- Mar-01 ABT-751 (Dev. Overview, 5 pages)
MH	Pallet 19	17	ABT-751	- May-02 ABT-751 (Dev. Overview 5 pages)
JD	Pallet 19	6	ABT-751	ABT-751 Dec 01 Development Overview Worksheet
JD	Pallet 19	17	ABT-751	ABT-751 Feb 02 Development Overview Worksheet
JD	Pallet 19	3	ABT-751	ABT-751 Jan 02 Development Overview Worksheet
JD	Pallet 19	3	ABT-751	ABT-751 Jun 01 Development Overview Worksheet
JD	Pallet 19	17	ABT-751	ABT-751 Jun 02 Development Overview Worksheet
JD	Pallet 19	3	ABT-751	ABT-751 Mar 01 Development Overview Worksheet
JD	Pallet 19	6	ABT-751	ABT-751 Mar 02 Development Overview Worksheet
JD	Pallet 19	3	ABT-751	ABT-751 Mar 03 Development Overview Worksheet
JD	Pallet 19	3	ABT-751	ABT-751 May 01 Development Overview Worksheet
JD	Pallet 19	6	ABT-751	ABT-751 Nov 01 Development Overview Worksheet
JD	Pallet 19	6	ABT-751	ABT-751 Oct 01 Development Overview Worksheet
JD	Pallet 19	6	ABT-751	ABT-751 Oct 02 Development Overview Worksheet
JD	Pallet 19	6	ABT-751	ABT-751 Sep 01 Development Overview Worksheet
JD	Pallet 19	6	ABT-751	ABT-751 Sep 02 Development Overview Worksheet
JD	Pallet 19	6	ABT-773	ABT-773 Dec 01 Development Overview Worksheet
JD	Pallet 19	17	ABT-773	ABT-773 Feb 02 Development Overview Worksheet
JD	Pallet 19	3	ABT-773	ABT-773 Jan 02 Development Overview Worksheet
JD	Pallet 19	3	ABT-773	ABT-773 Jun 01 Development Overview Worksheet
JD	Pallet 19	17	ABT-773	ABT-773 Jun 02 Development Overview Worksheet - missing first page
JD	Pallet 19	3	ABT-773	ABT-773 Mar 01 Development Overview Worksheet
JD	Pallet 19	6	ABT-773	ABT-773 Mar 02 Development Overview Worksheet
JD	Pallet 19	6	ABT-773	ABT-773 Oct 01 Development Overview Worksheet
JD	Pallet 19	6	ABT-773	ABT-773 Oct 02 Development Overview Worksheet
JD	Pallet 19	6	ABT-773	ABT-773 Sep 01 Development Overview Worksheet
MH	Pallet 19	17	ABT-773	Apr-01 ABT-773 (Dev. Overview 11 pages)
MH	Pallet 19	14	ABT-773	Aug-01 ABT-773 (Dev. Overview, 10 pages)
MH	Pallet 19	17	ABT-773	Aug-02 ABT-773 (Dev. Overview 9 pages)
MH	Pallet 19	14	ABT-773	Jul-01 ABT 773 (Dev. Overview 10-pages)
MH	Pallet 19	17	ABT-773	Mar-01 ABT-773 (Dev. Overview, 10 pages)
MH	Pallet 19	17	ABT-773	May-01, ABT-773 (Dev. Overview, 12 pages)
MH	Pallet 19	17	ABT-773	May-02 ABT-773 (Dev. Overview 10 pages)

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D's Exhibit LO

John Hancock / Abbott
Summary of Available Monthly Highlights Interoffice Memos
Documents Received As of 3/18/05

Compounds Available	2001												Total
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
ABT-773	X					X	X	X	X	X	X	X	5
ABT-627						X	X	X	X	X	X	X	6
ABT-594									X				1
ABT-492						X		X	X	X	X	X	5
ABT-510						X		X	X	X	X	X	5
ABT-518							X	X	X	X	X	X	0
ABT-751							X	X	X	X	X	X	4
ABT-100								X	X	X	X	X	2
ABT-724											X	X	2
Total	0	0	0	0	0	3	2	5	7	7	6	0	0

Compounds Available	2002												Total
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
ABT-773	X									X			2
ABT-627	X												2
ABT-594										X			0
ABT-492										X			2
ABT-510										X			3
ABT-518										X			0
ABT-751										X			3
ABT-100										X			1
ABT-724										X			3
Total	5	0	0	0	0	0	0	0	0	5	0	0	0

Compounds Available	2003												Total
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
ABT-773													0
ABT-627													0
ABT-594													0
ABT-492													0
ABT-510													0
ABT-518													0
ABT-751													0
ABT-100													0
ABT-724													0
Total	0	0	0	0	0	0	0	0	0	0	0	0	0

Compounds Available	2004												Total
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
ABT-773													0
ABT-627													0
ABT-594													0
ABT-492													0
ABT-510													0
ABT-518													0
ABT-751													0
ABT-100													0
ABT-724													0
Total	0	0	0	0	0	0	0	0	0	0	0	0	0

EXHIBIT 19
M. Hair
APR 5/8/07

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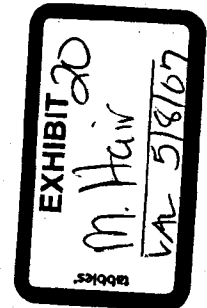
D's Exhibit LP

John Hancock / Abbott
Summary of Available Monthly Project Status Reports
As of 3/16/05

Thru	2001				2002	2003	2004	2005	2006	2007	2008	Total	Next Go / No Go	Development Timeline (LBE)				Launch Date
	ABT-518	Jan-01	Feb-01	Mar-01	Apr-01	May-01	Jun-01	Jul-01	Aug-01	Sep-01	Oct-01	Nov-01	Dec-01	Ph I	Ph II	Ph III	Last Pt.	Approve
2000	5.6	1.7	7.4	7.4	7.4	38.0	38.0	29.0	23.0					1Q2001	3Q2002	4Q2003		2Q2006
2001	5.6	3.0	7.4	7.4	7.4	38.0	38.0	29.0	23.0					1Q2001	3Q2002	4Q2003		2Q2006
2002	5.6	3.2	7.4	7.4	7.4	38.0	38.0	29.0	23.0					1Q2001	3Q2002	4Q2003		2Q2006
2003	5.6	3.3	7.4	7.4	7.4	38.0	38.0	29.0	23.0					1Q2001	3Q2002	4Q2003		2Q2006
2004																		
2005																		
2006																		
2007																		
2008																		

Thru	2001				2002	2003	2004	2005	2006	2007	2008	Total	Next Go / No Go	Development Timeline (LBE)				Launch Date
	ABT-594	Jan-01	Feb-01	Mar-01	Apr-01	May-01	Jun-01	Jul-01	Aug-01	Sep-01	Oct-01	Nov-01	Dec-01	Ph I	Ph II	Ph III	Last Pt.	Approve
2000	14.0	2.9	9.3	9.3	9.3	59.6	55.7	21.9	11.5					3Q1997	3Q1998	1Q2002		Sept 04
2001	14.0	2.9	9.3	9.3	9.3	59.6	55.7	21.9	11.5					3Q1997	3Q1998	1Q2002		Sept 04
2002	14.0	4.5	9.3	9.3	9.3	60.5	56.4	21.8	-					3Q1997	3Q1998	1Q2002		Sept 04
2003	<MISSING FIRST PAGE>																	
2004	14.0	6.0	8.7	8.7	8.7	60.5	56.4	21.8	-					3Q1997	3Q1998	1Q2002		Sept 04
2005	14.0	6.8	8.7	8.7	8.7	60.5	56.4	21.8	-					3Q1997	3Q1998	1Q2002		Sept 04
2006																		
2007																		
2008																		

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Hair Deposition Exhibit 21

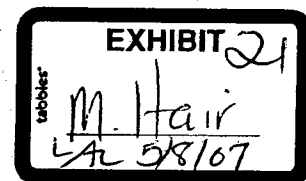
D's Exhibit LQ

John Hancock
Abbott Compound Summary
Matrix Metalloproteinase Inhibitor (MMPI Program), ABT-518

Overview

REDACTED

3/13/01 Research Funding Agreement Highlights



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Document Summaries

1) Monthly Status Reports

January	NA
February	NA
March	"First patient enrolled on 3/12. Preliminary results from 6-week rat hepatotoxicity study on 3/31."
April	"First patient cohort (25 mg/d oral) completed enrollment 4/23" "PK method validation at Amsterdam site completed 4/25. RQA site audit completed 5/4." *** <i>Received in box 17 – not included in binders</i> ***
May	"Decision taken to discontinue Abbott development of ABT-518 due to prioritization." "Collaboration or out-license opportunity will be pursued pending favorable safety and PK review of existing patient data" *** <i>Received in box 17 – not included in binders</i> ***
June	"Program discontinued with wrap-up activities ongoing."
July	"Wrap-up activities continue with two ongoing patients at 50 mg/day."
August	NA
September	"Last patient discontinued 8/20. Met with NCI Division of Cancer Prevention on 8/29 to discuss interest in ABT-518"
October	NA
November	NA
December	NA

2) 2001 Plan Review, Portfolio Analysis of Blue Plan Prioritization Options, February 15, 2001.

- Highly redacted report
- Last page (report is not numbered) reports the spending plan for ABT-518 of \$7.4M. The 3/13/01 First Annual Research Plan in Exhibit 1.6 is \$7.0 M.

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3) Portfolio Analysis of 2001 Abbott Global Pharmaceutical Development Assets, April 20, 2001.

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- Highly redacted report
- Pages 17-19 report expected values of compounds
- Pages 22-23 report expected commercial values for compounds
- Page 41, reports under one scenario (#2?), ABT-518 would be unfunded
- Page 49, reports under scenario #3, ABT-518 would be funded
- Page 54, "2001-2002 R&D Costs for John Hancock Compounds".
 - 2002 "Nominal" and "Expected" costs
- Page 55, ABT-518
- Page 58, ABT-518
- Page 62, "Abbott programs in blue, Knoll programs in red"
- Page 68, ABT-518
- Page 83, ABT-518
- Page 88, ABT-518

4) Portfolio Analysis of 2001 Abbott Global Pharmaceutical Development Assets, 7/3/01 Update.

- Highly redacted report
- Page 17, reports expected commercial value and expected value by source
- Pages 19-20, reports program expected commercial value by current phase
- Page 27, reports program expected value realized by source and phase

5) Portfolio Analysis Overview: Abbott 2002 Pharmaceutical Budget Prioritization, October 8, 2001, Portfolio analysis and Decision Support Groups.

- Page 3, "ABT-518... Removed Since 7/01"

6) Abbott Pharmaceutical Portfolio Analysis Overview, November, 2001.

- [Update]

7) Base, Upside, Low

Available reports have footnotes with file names that reference the following dates:

- February 2001
- April 2001 PA
- 2001 April
- July 2001 PA
- 2001 July

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Highlights

- "Success Probabilities" for launch:
 - 14% - Feb 2001
 - 13% - Apr 2001 & April 2001 PA
 - 13% - July 2001 & July 2001 PA
- See Excel analysis file summarizing results (JH - Document Analysis v4.xls)
-
-
- In shaded area there is a line for "Exp R&D Cost" with annual amounts.

8) Pharmaceutical Products Division, Sample Direct/Indirect Project Funding Distribution, 2001 Plan (\$000).

- This schedule/report appears to only be available for ABT-773 and MMPI (Early Stage) ABT-518
- Total plan spending of \$7.1M for 2001 approximates the First Annual Research Plan at 3/13/01 for \$7.0 M for 2001.
- Detailed reports available for **June, August, September, October, November, December.** (Other reports for March?, April?, May? Are in box 17)
 -

9) Phase Balanced Productivity Approach - Phase IV - \$0 (old Pls).xls.

- Highly redacted schedule
-
- Other metrics are similar to metrics in the Base, Upside, Low reports for the February 2001 timeframe
- Planned spending of \$7.4 is not significantly different from the First Annual Research Plan at 3/13/2001 for \$7.0 M for 2001.
 - The \$7.4 M appears in other reports as well.

10) 2/BB - #39

- Highly redacted document
- Financial information is redacted for months prior to March 2001

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11) PEC Meeting (Dry Run and 10/08/01)

- Page 3, ABT-518 is identified as "T" for terminated

REDACTED

12) NME In Development, May 2003.

- Highly redacted report
- Phase I appears to be the last development phase. No indication that ABT-518 development entered Phase II.

13) Global Pharmaceutical Research & Development, Summary of R&D Projects, 2001 April Update.

- Page 2, provides a summary of ABT-518. 2001 Plan approximates First Annual Research Plan as of 3/13/2001.
- Page 6
 - 2001 Plan of \$7.1 M is consistent with other documents and the 3/13/2001 First Annual Research Funding Agreement
 - Identifies Perry Nisen as project leader
 - Provides additional detail for plan spending
- 2nd Page following yellow page divider, no title on spreadsheet.
 - Column heading "2002 Costs, Nominal, Expected"
 - Nominal costs for 2002: \$38.1M
 - Expected costs for 2002: \$28.6M

2001 FTE and Direct\$ Activity Resources for Current Funded Abbott Projects included in Portfolio Analysis

- Pages 7-9, reports certain direct costs for ABT-518

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D's Exhibit LR

John Hancock
Abbott Compound Summary
Cholinergic Channel Modulator (ABT-594)

Overview

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3/13/01 Research Funding Agreement Highlights



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Document Summaries

1) Monthly Status Reports

January	NA
February	NA
March	<p><i>Monthly Highlights:</i> "All case Report Forms were in-house March 15 for M99-114 Painful Diabetic Neuropathy Phase II b study, 8 days ahead of schedule"</p> <p><i>Key Progress Marker:</i> "Break blind on M99-114 Painful Diabetic Neuropathy Phase II b study, target date, 04/30" "Go / No Go target for program, target date 06/30"</p>
April	[Box 17]
May	<p><i>Monthly Highlights:</i> [Blank] – No monthly highlights in report.</p> <p><i>Key Progress Marker:</i> "Executive Committee review / GO – No Go target for program, target date 07/11"</p>
June	<p><i>Monthly Highlights:</i> "Protocol completed for Rate of Rise Study"</p> <p><i>Key Progress Marker:</i> "Executive Committee review / Go – No Go target for program, target date 08/15"</p>
July	<p><i>Monthly Highlights:</i> "Maintenance activities only – Program is on hold pending Global Pharmaceutical Executive Committee meeting in August"</p> <p><i>Key Progress Marker:</i> "Executive Committee review / Go – No Go target for program, target date 08/21"</p>
August	<p><i>Monthly Highlights:</i> "Global Pharmaceutical Executive Committee review moved out to September" "Maintenance activities only – Program is on hold pending Global Pharmaceutical Executive Committee meeting in September"</p> <p><i>Key Progress Marker:</i> "Executive Committee review / Go – No Go target for program, target date 09/10"</p>
September	<p><i>Monthly Highlights:</i> "Program presented to the Global Pharmaceutical Executive Committee – modified strategy is in development"</p> <p><i>Key Progress Marker:</i> "Funding decision for the Phase IIb "intermediate" dose level trial, target date 10/08" "Initiate manufacture scheduling of clinical supplies, target date</p>

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	10/31"
October	<i>Monthly Highlights:</i> "Program is not funded for 2002 – Outlicensing activities initiated." <i>Key Progress Markers:</i> [Blank]
November	NA
December	NA

- The March 2001 summary states that the "Go / No Go target for program" is projected for 06/30. The Go – No Go decision is delayed in May, June, July, and August.
-

There is an August 21, 2001 Pharma Executive Management Committee Review presentation (see item #6 below)

-
- The October monthly status report indicates that the program is not funded
- It appears that the Executive Committee meeting was postponed from June to August or September.
-

2) Analgesia Venture, 2001 Plan, Final Plan Package (date ?)

- Highly redacted report
-
- Page 2, footer indicates the name of the Excel file
- Page 2, reflects an annual cost plan for 2001 of \$9.3 M and \$11.9 M unfunded. The 3/13/01 First Annual Funding Plan indicated that the 2001 plan was \$35 M.
- Page 3, "2001 Target" = \$9,300K, "2001 Plan" = \$9,307 K,
- Page with title, "Blue Plan Summaries" appears to provide detail for the \$11.9 M

3) 2001 Plan Review, Portfolio Analysis of Blue Plan Prioritization Options, February 15, 2001.

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-
- Page 9, with heading, "Phase Balanced Optimization – 100% Development / 0% Phase IV", reports a "Blue Plan Funding" of \$11.1 M. This amount appears to be somewhat consistent with the "blue plan" cost projections of \$11.9 as provided in the Analgesia Venture 2001 Plan (see #1 above)
- Page 19, indicates the planned spending of the \$11.1 would be in Q3 – after the anticipated June 2001 Go – No Go decision.
- [Blue Plan may represent cost estimates following milestones or Go – No Go decisions]
- Page 20, "Blue Plan Scenario 2" provides a matrix with two scenarios for ABT-594; whether it enters Phase III or not.
-
- Page 29, again states that ABT-594 plan funding for 2001 is \$9.3 M.

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4) Portfolio Analysis of 2001 Abbott Global Pharmaceutical Development Assets, April 20, 2001.

- Pages 17-19, graphs show expected value and expected commercial value of 594
- Pages 22-23, additional graphs of expected value
- Page 54, "2001-2002 R&D Costs for John Hancock Compounds".
 - 2002 "Nominal" and "Expected" costs –
- Page 84, "Pain"
 - Graph of probability of success and expected NPV for both ABT-594 CPP and ABT-594 Neuro Pain.
 - Probability of success for ABT-594 CPP is approx. 15%
 - Probability of success for ABT-594 Neuro is approx. 33%
- Page 89, "Phase II Projects"
 - Graph of "probability to launch" and "Expected Commercial Value"

5) Portfolio Analysis of 2001 Abbott Global Pharmaceutical Development Assets, 7/3/01 Update

- Highly redacted
- Page 13, "ABT-594 (revised forecast and probability) (0.5)".
-
- Page 17, graph shows ABT-594 with minimal Expected Value (in comparison to the values for other compounds)

6) ABT-594, Pharma Executive Management Committee Review, August 21, 2001

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- Page 3, "ABT-594 has a narrow therapeutic window and efficacious doses are poorly tolerated as dosed currently. Modifications to drug administration have the potential to improve tolerability."
- Page 4, "Dosages that provide meaningful acute relief of pain are not well tolerated"
- Page 7, Tolerability & Safety
 - "Significant Discontinuation Rate: 66% due to AE [adverse event] at 300 mcg BID"
- Page 14, table disclosing Adverse Events (AE) and Total Discontinuation (in percentages) for M99-114
 - 150 mcg – 28% discontinued due to AE
 - 225 mcg – 46% discontinued due to AE
 - 300 mcg – 66% discontinued due to AE
- Page 24, "ABT-594, as administered without additional improvements in tolerability, has a narrow therapeutic window"
- Page 25, ABT-594 options outlined

7) ABT-594, PEC Review Book: Proposal for additional study and background (Nonstandard format), September 27, 2001

- Page 2, Tolerability, "150-300 mcg BID tolerability is unacceptable"
- Page 6, discussion of possible timeline assuming "most of funding starting Jan 2002"
- Pages 12-31 appear to provide similar/same information as the ABT-594 Pharma Executive management committee Review, August 21, 2001 (see item #6 above)

8) Portfolio Analysis Overview: Abbott 2002 Pharmaceutical Budget Prioritization, October 8, 2001

- Highly redacted report
- Page 13, expected value and expected commercial value presented
- Page 14, ABT-594 is listed in the "Strategic Discussion" section of the table
 - Note: ABT-724 and ABT-100 are also included with compounds that are "strategic discussion"
- Page 20, ABT-594 is listed in the "Strategic Discussion" section of the table

9) Abbott Pharmaceutical Portfolio Analysis Overview, November 2001

- Pages 14-15, 20, graphs of expected value and expected commercial value
- Page 42, productivity curve, phase II compounds

10a) Annual IND Report (12192000, Volume 1 of 1), Oct 29, 1999 – Oct 28, 2000

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- Report is signed and approved by Marilyn Collicott, Abbott Clinical Project Manager, Bruce McCarthy, Medical Director, and Christopher Silber, Venture Head on 12/19/00.
- Page 8, Phase II study (M99-114) was started in 4/00 with an anticipated completion date of 3/01. As of 10/28/00, there were 69 "subjects entered" into the study with 30 "premature terminations", approx. 43%.
- Page 9, Table 2. Summary of Serious Adverse Events
- Page 45, "General Investigational Plan" (page 45), the report states, "Based on information collected from the above mentioned Phase I and II studies, the general investigational plan for ABT-594 for the period October 28, 2001 allows for the continued assessment of tolerability of higher doses and additional Phase II studies of ABT-594. The plan is outlined in Table 7 below:

Table 7. Planned Clinical Studies				
Study Number	Study Type	Phase	Planned Number of Subjects	Estimated Start Date
M99-115	Osteoarthritis Pain	II	575	4/01
N/A	fMRI	I	12	8/01

10b) A-16594, Annual IND Report (12062001), Volume 1 of 1, Oct 29, 2000 – Oct 28, 2001,

- Signed and approved by Marilyn Collicott, Abbott Clinical Project Manager, and Bruce McCarthy, Medical Director on 12/06/01.
- Page 1, reports that "A single ABT-594 clinical study was completed during this reporting period",

REDACTED

- Page 4, A summary table of "Disposition of Subjects" for Phase II Study, Protocol M99-114 includes the following:

	Treatment Group n (%)			
		ABT-594		
	Placebo	150 mg BID	225 mg BID	300 mg BID
Number of Subjects Planned	80	80	80	80
All Treated Subjects	65	65	69	67
Completed Study	51 (78%)	40 (62%)	30 (43%)	17 (25%)
Prematurely Discontinued ^a	14 (22%)	25 (38%)	39 (57%)	50 (75%)

^a Subjects may have reported more than 1 reason for premature discontinuation, but were counted only once in the total.

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- Page 27, "General Investigational Plan" section states:
 - "The clinical development plan for ABT-594 has been discontinued. No further studies are planned."
- Page 31, there is a reference in the footer to what appears to be a network drive:
 - "D461\\r:\msword\analgesia\abt594\annual reports\2001 annual report.doc"

11) Various Spreadsheets

- Reports for June, August, September, October, November, December 2001
- No "lead sheet" that summarizes 2001 plan by activities/categories (see ABT-518 binder)

12) Base, Upside, Low Spreadsheets

Available reports have footnotes with file names that reference the following dates:

- February 2001
- 2001 April
- April 2001 PA
- July 2001 PA
- 2001 July
- October 2001

REDACTED

Highlights

- "Success Probabilities" for launch:
 - 32% - Feb 2001
 - 15% - Apr 2001
 - 15% - July 2001
 - 23% - October 2001
- See Excel analysis file summarizing results (JH - Document Analysis v4.xls)
- Significant changes in expected valuation (EV) and projected R&D costs between February, April, and July.
- In shaded area there is a line for "Exp R&D Cost" with annual amounts.

13) GPRD 2001 APU, Development Programs (\$ Millions)

- Highly redacted report(s)
- First page, 2002 Costs "Nominal" and "Expected"
- Page 2, 2001 Plan for ABT-594 is \$9.3 M
 - Several documents report the 2001 plan spending of \$9.3
- Following Yellow Page: Redacted page with Questions and Answers
 - Question: ABT-594 for Drug Safety Support and Phase I studies: put on hold until we make go/no-go decision.

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- Answer: John Leonard follow up not available
- Page 7, heading, "Global Pharmaceutical Research & Development 2001 Key Plus/(Minus) Risks, 2001 April Update (\$MM)"
 - ABT-594 (formerly CCM), Milestone Funding
 - Go/No Go decision is scheduled for May/June 2001. If the decision to continue development is made, additional funding will be needed to continue the program. Probability = "medium"
 - File name of excel spreadsheet is provided at bottom of page
- Page 7, heading, "Global Pharmaceutical Research & Development, Summary of R&D Projects, 2001 April Update"
 - Cost thru 2000 = \$62.2
 - 2001 Plan = \$9.3 (significantly lower than First Annual Funding Plan)
 - 2001 APU = \$9.3
 - Cost Until NDA = \$71.0
- *** No indication that the Plan for 2001 was \$35 M ***

REDACTED14) Various Spreadsheets – No Headings15) Various Spreadsheets – No Headings

- Highly redacted
- Page 2, 2001 Plan \$9.3 M for ABT-594 Neuro Pain and \$0 for ABT-594 Chronic Persistent Pain.
-

16) GPRD, 2001 Actuals, project Budget Summary (\$MM)

- ABT-594 is blank, redacted?
- File name printed at bottom of page

17) Grant Summaries

- Highly redacted reports
- Pages 1-2, total plan for 2001 of \$9.3M

18) Various highly redacted documents – presented as examples of types of reports

19) Various highly redacted documents – presented as examples of types of reports

20) Various highly redacted documents – presented as examples of types of reports

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Hair Deposition Exhibit 23

D's Exhibit 628

John Hancock
Abbott Compound Summary
Cholinergic Channel Modulator (ABT-594)

REDACTED

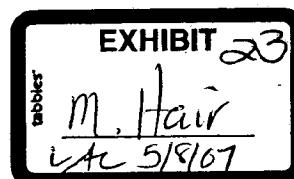
2000

A-16594, Annual IND Report (12192000), Volume 1 of 1, for the reporting period October 29, 1999 to **October 28, 2000**, was signed and approved by Marilyn Collicott, Abbott Clinical Project Manager, Bruce McCarthy, Medical Director, and Christopher Silber, Venture Head on 12/19/00. The report is a 50-page document that summarizes the investigational new drug (IND), status and results of clinical studies, and planned studies.

Two Phase I clinical studies were completed during the reporting period: 1) M99-076 was started in 8/99 and completed in 11/99 with a final study report still pending, and 2) M99-120 was started in 11/99 and completed on 12/99.

One Phase II study (M99-114) was started in 4/00 with an anticipated completion date of 3/01. As of 10/28/00, there were 69 "subjects entered" into the study with 30 "premature terminations", approx. 43% (page 8).

One reference for the Phase II study is as follows: "Program Source Code: /thomasj/ABT-594/IND_UPDATE/DEC2000/TABLES/phase2_aes.sas".



Under section, "General Investigational Plan" (page 45), the report states,

"Based on information collected from the above mentioned Phase I and II studies, the general investigational plan for ABT-594 for the period October 28, 2001 allows for the continued assessment of tolerability of higher doses and additional Phase II studies of ABT-594. The plan is outlined in Table 7 below:

Table 7. Planned Clinical Studies				
Study Number	Study Type	Phase	Planned Number of Subjects	Estimated Start Date
M99-115	Osteoarthritis Pain	II	575	4/01
N/A	fMRI	I	12	8/01

REDACTED

A spreadsheet, "Cholinergic Channel Modulator (ABT-594), 2000 AGU Development Cost Summary" shows that Phase II was anticipated to be completed by the end of 2Q2001 with Phase III starting in 3Q2001 and NDA Filing in 2Q2003. 2000 APU costs were \$14.992 million and 2000 AGU costs were \$14.4 million.

A spreadsheet, "Key Unfunded Projects, PPD R&D, 2000 August Update" shows 2000 APU costs of \$10.1 million and 2000 AGU costs of \$8.0 million.

2001

Exhibit 1.40 to the 3/13/01, Research Funding Agreement, identifies ABT-594 (Cholinergic channel modulator) in "late phase II" of development.

Exhibit 1.6, 3/13/01, First Annual Research Plan, provides the following cost projections:

2001	2002	2003	2004	2005	Total
\$35.0M	\$45.0M	\$32.0M	\$15.0M	\$12.0M	\$139.0M

Program status and projected timelines included in Exhibit 1.6:

Phase I: 3Q1997 thru 4Q2002 (22 Qtrs)
Phase II: 3Q1998 thru 3Q2001 (13 Qtrs)
Phase III: 4Q2001 thru 4Q2003 (9 Qtrs)
NDA: 3Q2003
Launch: 3Q2004

REDACTED

Exhibit 12.2(i), Compound Reports, ABT-594 Descriptive Memorandum, dated February 2001, states:

The IND filing of ABT-594 was in December 1998. A Phase IIb (dose ranging) trial began April 2000 in diabetic neuropathic pain. A Go/No Go decision for clinical efficacy is expected June 2001. (page 2)

A phase IIb study for neuropathic pain at higher, titrated doses of ABT-594 began in April 2000 and ends in June 2001. A total of 320 patients are anticipated to be included in the study. (page 7)

A report, "Global pharmaceutical Research & Development, 2001 April Update, Discovery Commentary" states, "NNRs: Project is selecting a DDC candidate(s) as an ABT-594 follow-on (with NeuroSearch)". At the bottom of one of the pages states:

DDC's	Timing	Probability
1) NNR ABT-594 follow-on (pain)	4Q01	50%

A spreadsheet, "GPRD, 2001 Actuals, Project Budget Summary, (\$MM)" provides 2001 APU (6/22/01) amounts, Blue Plan (8/1/01) amounts, and Rebaseline Adjustments.

An August 21, 2001, report, "ABT-594, Pharma Executive Management Committee Review" provides a development update by Bruce McCarthy, a DSG Analysis by Steve Kuemmerle and Liz Kowaluk, and a presentation on NNR Follow-ons by Michael Meyer. In the "conclusions" section of the document, it states:

- ABT-594 significantly reduces diabetic neuropathic pain

- ABT-594, as administered without additional improvements in tolerability, has a narrow therapeutic window
- Future subtype selective NNRs for pain may provide meaningful pain relief across all pain types with an acceptable therapeutic window (page 24)

ABT-594 Options

- A: Attempt tolerability improvement with ABT-594
 - o Explore more prolonged titration
 - o Co-administer anti-emetic
 - o Protocol Ready
 - 7, 11, 24 day titrations
 - Co-administered anti-emetic during titration
 - Detailed assessments of adverse events
 - \$2.1 MM fully burdened
- B: No additional experiments with ABT-594
- Subtype selective NNR for pain back-up (page 25)

REDACTED

A-16594, Annual IND Report (12062001), Volume 1 of 1, for the reporting period October 29, 2000 to October 28, 2001, was signed and approved by Marilyn Collicott, Abbott Clinical Project Manager, and Bruce McCarthy, Medical Director on 12/06/01. The report is a 31-page document that summarizes the investigational new drug (IND), status and results of clinical studies, and planned studies.

The document reports that "A single ABT-594 clinical study was completed during this reporting period",

Under section, "Individual Study Information, Phase I Studies", it states:

There were no ongoing Phase I studies during this reporting timeframe. Studies M99-076 and M99-120 were completed and reported in the previous annual report (reporting period October 29, 1999 – October 28, 2000), however, the final study reports are still pending.

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A summary table of "Disposition of Subjects" for Phase II Study, Protocol M99-114 (page 4) includes the following:

	Treatment Group n (%)			
	ABT-594			
	Placebo	150 mg BID	225 mg BID	300 mg BID
Number of Subjects Planned	80	80	80	80
All Treated Subjects	65	65	69	67
Completed Study	51 (78%)	40 (62%)	30 (43%)	17 (25%)
Prematurely Discontinued ^a	14 (22%)	25 (38%)	39 (57%)	50 (75%)

^a Subjects may have reported more than 1 reason for premature discontinuation, but were counted only once in the total.

REDACTED

The "General Investigational Plan" section of the October 28, 2001 IND Annual Report (page 27) states:

The clinical development plan for ABT-594 has been discontinued. No further studies are planned.

On page 31, there is a reference in the footer to what appears to be a network drive:

"D461\\r:\msword\analgesia\abt594\annual reports\2001 annual report.doc"

A November 2, 2001 letter from Tom Lyons, Abbott Laboratories Global Pharmaceutical R&D Controller, to Steve Blewitt, John Hancock Life Insurance Company includes a schedule, "John Hancock Portfolio Summary, R&D Costs and Development Timelines, 2002 Plan". The schedule provides 2002 Plan costs for ABT-594 of "..." and a timeline for 2002 Plan of "N/A".

A letter from Tom Lyons, dated **December 18, 2001**, provides an "Annual Progress Report"

An attached spreadsheet, "Abbott/John Hancock Funding Collaboration, 2001 Y/E Estimate for JH Development Portfolio (\$MM)" reports actual spending for ABT-594 through October 2001 of \$6.8 million, with \$1.0 million planned for November and December 2001 for a total projected Y/E amount of \$8.9 million. In a comment field it states, "Program Terminated". (JH001068)

REDACTED

2002

A report, "April 2002, Center for Clinical Assessment Project Status Report" summarizes major areas of activity and associated costs for several compounds. It appears that ABT-594 had \$50K of costs in June (2002) with year-to-date costs of \$152K and a 12-month plan of \$627K.

Three spreadsheets with the same title, "2002 Plan "Other" R&D" include line items for ABT-594. Each spreadsheet shows different values for the "total update", and include: "25", "61", and the third spreadsheet appears to be redacted.

A **December 20, 2002** letter from Tom Lyons (JH001054) provides (i) an "Annual Progress Report (November 2002)" for all current compounds – there are no comments for ABT-594 (JH001055-56), (ii) a "2002 Y/E Estimate for JH Development Portfolio" that shows \$1.4 million of costs for ABT-594 during 2002 (JH001057), and (iii) an "R&D Costs and Development Timeline 2003 Plan" that includes projected costs as well as a timeline of projected launch dates (JH001058).

2003

A spreadsheet report, "NME In Development, May 2003" includes the following information for ABT-594:

Category	Metric	ABT 594 CCM
Thraeueutic Area		Neuroscience
	Product Pipeline Status	Terminated Jun-01
Dates	DDC Meeting	Dec-96
	Start of first GLP animal tox study	Mar-97
	First Dose in Human (beg of Phase I)	Jul-97
	First Dose in Patient (beg of Phase II)	Jul-98
	First Dose in Phase III	NA
	Last Patient Visit	NA
	FDA Filing	NA
	EMA	NA

Additional rows are included in the spreadsheet related to time, costs, regulatory, manufacturing and other. Several rows are blank for this compound. This report provides information for all nine compounds: 510, 627, 751, 492, 773, 594, 100, 518 & 724.

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A spreadsheet report, "Historical NMEs, May 2003" provides similar information as the above spreadsheet, "NME In Development, May 2003".

Hair Deposition Exhibit 24

D's Exhibit 677

John Hancock
Abbott Compound Summary
Dopamine Receptor Agonist Program (ABT-724)

REDACTED

2000

Project-to-date-spending thru 2000: \$35.0 Million (per 3/13/2001 Annual Development Plan, Exhibit 1.6).

2001

At the time of the signing of the Research Funding Agreement, 3/13/2001, the compound was identified as "ED Program" or "Dopamine Receptor Agonist" and in the pre-clinical program phase. The compound was later referred to as ABT-724.



Exhibit 1.6, 3/13/01, First Annual Research Plan, provides the following projections for spending by year:

A report, "GPRD, 2001 Actual, Project Budget Summary, (\$MM)" reports "2001 APU (6/22/01)" spending for AB-724 as "----" for GPRD Gross and "----" for PPD's Share. A "Blue Plan (8/1/01)" reports GPRD Gross of 0.6 and PPD's share of 0.4. The 0.6 is consistent with the 2001 spending projections in the First Annual Research Plan, Exhibit 1.6 to the Research Funding Agreement.

A report, "Global Pharmaceutical Research & Development, Post-Corporate Review, Project Targets (\$000's)" appears to be drafted sometime in 2001. The report provides what appears to be spending projections for 2001 and "*Post-Corporate Review Update (2)". Amounts approximate the November 26, 2001 projections for 2001. ABT-724 is identified on the spreadsheet with no visible amounts (redacted?). The report has a footnote, "*Project target per AMARE/Oracle budget except as noted".

A November 26, 2001 letter from Tom Lyons, Abbott Global Pharmaceutical R&D Controller, pushes back the projected launch date of ABT-724 from 4Q2007 to 3Q2008 and provides the following comments:

"ABT-724 is a recently approved DDC [Drug Development Candidate]. In the original deal model, assumptions for ABT-100 were used as the benchmark for all pre-DDC assets. 2002 Plan reflects ABT-724 specific data rather than generic modeling assumptions." (JH000841)

Also included in the November 26, 2001 letter is an updated Annual Development Plan that identifies program spending by compound by year (JH000854):

	2001	2002	2003	2004	2005	Total
(Original)	\$6.0M	\$15.0M	\$30.0M	\$30.0M	\$18.0M	\$99.0M
Updated	\$0.6M	\$5.9M	\$7.4M	\$31.8M	\$50.6M	\$96.3M

A letter from Tom Lyons, dated December 18, 2001, provides an "Annual Progress Report":

"ABT-724 was presented and approved as a Drug Development Candidate (DDC) in July 2001. Work has since commenced on the manufacture of the bulk active pharmaceutical ingredient to support process chemistry analysis, as well as to provide material for initial toxicology studies and formulation development. In addition, work has been completed on pre-clinical pharmacokinetics that allows for predicting dose ranges for the first-in-human study. The 2002 Plan includes conducting both pre-clinical toxicology and metabolism studies, as well as initiating the first-in-human study for the 3rd quarter."

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2002

A document, "Global Pharmaceutical Research and Development, 2002 Update, Project Review (3/19/02) Meeting Action Items, (\$000's)" appears to provide a reduction of \$1.29M of costs for ABT-724 during 2002. Abbott contacts responsible for reductions include B. Harris and K. Kerls.

A document, "Global Pharmaceutical Research and Development, 2002 Update, Project Review (3/19/02), Proposed Agenda" shows an anticipated 20 minute discussion on ABT-724, the Therapeutic VP/Director was Marleen Verlinden, and Lead participants for the meeting included Bob Harris (Ventures) and Karen Kerls (Finance).

A document, "Global Pharmaceutical Research and Development, 2002 Update, Development Programs Summary (Excluding Phase IV), (\$MM)" reflects three different 2002 spending projections for 2002: the original 2002 plan of \$5.9M, a 2002 update of \$9.1M, and a "revised 2002 update" of \$7.8M. The difference between the 2002 Update spending plan and the Revised 2002 Update is the \$1.29M spending reduction (see 3/19/02 document above).

A document that appears to be a powerpoint presentation, "GPRD NCE Projected Phase and Filing Timelines as of April 2002", provides timelines (beginning with 1Q2002) for ABT-492, 773, 100, 510, 627 (Atrasentan), and 751, but does not include a timeline for ABT-724.

A graph, "GPRD Funded Projects for April 2002" identifies ABT-724 as one of seven preclinical compounds/projects.

A document, "GPCD Monthly Highlights, April 2002" provides a brief summary of ABT-724: "provided ADME/PK sections for the clinical brochure to the Venture.

A spreadsheet, "ABT-724 Dopamine D4 Agonist" as of April 2002, provides a comprehensive summary of the drug, market, development plans and timeline, and commercial analysis. The document includes annual spending projections that are equal to the year-end 2001 projects (2002 = \$5.9, 2003 = \$7.4, 2004 = \$31.8, 2005 = \$50.6, 2006 = \$48.1). Anticipated launch date of 2009. A second page of the document provides a timeline for R&D of ABT-724.

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A spreadsheet, "Pharmaceutical Research and Development, 2002 Update, Development Programs Summary, (\$MM)" provides an update (increase) to the 2002 spending plan "as of 5/6/02". The 2002 plan is increased from \$5.9M to \$7.8M.

A spreadsheet entitled, "ABT-724 2002 Update Development Cost Summary – Funded Program", appears to have been prepared by Abbott prior to July 2002 and possibly on May 21, 2002 (at the bottom of the spreadsheet it states "Corp. Sub 5/21") a "Program Status" is provided:

Development Plan completed December '01
 FIM Study scheduled for July '02 – Examine PK/tolerability of SL/Oral dosing
 Liquid formulation established for FIM. Dose range 0.1 mg – 10.0 mg
 Tox studies on target – no issues
 Advisory Meeting to be held in September '02
 Proof of Concept Study in patients mild to moderate ED – March '03
 Go / No go decision transition to Phase II: December '03

Program status and projected timelines are updated/delayed from original estimates provided in Exhibit 1.6:

	<i>Original (3/13/2001)</i>	<i>Revised</i>
Phase I	2Q2002 thru 4Q2003 (7 Qtrs)	3Q2002 – 4Q2003 (6 Qtrs)
Phase II	4Q2003 thru 1Q2005 (6 Qtrs)	1Q2004 – 3Q2005 (7 Qtrs)
Phase III	1Q2005 thru 4Q2006 (8 Qtrs)	4Q2005 – 4Q2007 (9 Qtrs)
NDA	1Q2007	4Q2007
Launch	4Q2007	

An "Interoffice Correspondence" on June 17, 2002 from Rich Pinto to F. Richter, E. Shek, T. Lyons, K. Stiles, K. Kerls, T. Woidat is highly redacted. On page three, ABT-724 is shown by a "(0.14)".

A spreadsheet, "Global Pharmaceutical Research and Development, 2002 Update, Final Project Targets (reflective of 8/02 PEC Funding Reprioritization), (\$000's)" refers to a "PEC Funding Reprioritization – 7/2/2002" meeting and provides "Revised LBE" for several compounds including ABT-724, of \$7.344M.

A spreadsheet, "GPRD, 2002 Plan Rollforward Changes, Development Projects" reflects a "development projects" change for ABT of (0.1) due to "Lower Phase I Center LU". A reference on the bottom of the page is to "10/8/01 PEC book submission".

A spreadsheet, "Global Pharmaceutical Research and Development, Budget Comparisons, 2002 Plan" provides amounts for four sources for various compounds. The four sources are: Page 100 Summary, Devel. Cost Summary, Power Pt. R&D by Year, and Power Pt. R&D Detail.

A spreadsheet, "Global Pharmaceutical Research and Development, 2002 Update, Project Targets, (\$000's)" provides an update to ABT-724 of \$7.344M.

A spreadsheet, "Pharmaceutical Products Research & Development, 2002 Plans, (\$Millions)" reports ABT-724 to be "5.9".

A spreadsheet, "Global Pharmaceutical Research and Development, 2002 Update, Project Targets, (\$000's)" reports and update to the ABT-724 2002 plan from \$5.9M to \$7.344 million.

A spreadsheet, "Global Pharmaceutical Research & Development, 2002 update, Development ? M P D Program Budget Summary, (\$MM)" provides an update to project spending for ABT-724 of 7.8[M] and identifies Bob Harris as having responsibility for development.

September 27-28, 2002, an ABT-724 "Advisory Board Meeting" was held at Sofitel Chicago Water Tower, Chicago, Illinois. Three volumes of meeting minutes are provided for Day 1, Parts A & B, and Day 2.

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Day 1, Part A (133 pages)

Introduction of attendees, including independent experts and Abbott personnel. Jeff Leiden, Abbott COO "responsible for anything R&D that happens in Abbott" attended the meeting. Other Abbott notables include Dr. John Leonard, MD, VP "responsible for the development of a whole array of therapeutic areas" and Dr. Jim Sullivan, VP of Discovery Research. First several pages include a technical presentation and discussion on the biology of ED (erectile dysfunction) and prior studies and experiences with apomorphine and Uprima to treat ED. ABT-724 is discussed on pages 58 – 106, including the hypothesis that the compound provides similar efficacy as apomorphine and Uprima but without the side effects. Discussions include the efficacy of ABT-724, the results from tests with rats and the desire to begin human testing. Pages 106 – 133 provide global statistics for ED and related medical conditions.

Day 1, Part B (112 pages)

Pages 1-76 consist of discussions about the market needs, comparisons to current drugs (Viagra, Cialis, etc.), market positioning, FDA approval process, drug response times, clinical drop-out rates, daily dosing for clinical trials, Uprima clinical tests and sales in Europe. Pages 77-112 includes a presentation and technical discussions related to the heart, coronary circulations, drug combinations, safety issues, etc.

Day 2 (129 pages)

Pages 1-64 discuss market positioning, competitor drugs, debates the need for another ED drug, lengthy discussions on efficacy of Viagra (used as a benchmark for discussions) and its market positioning, clinical trial objectives and issues, how to set up clinical trials for ABT-724, Pages 65-75 discussion of 3 studies: RigiScan study, chronic-use study, and female study (p. 65), debate over what level of unfavorable results from the RigiScan would "kill" the compound (p. 75-79), possible results of studies compared to Viagra and Uprima (competitor drugs), discussion of dosage requirements and a 90-day study, question of 'when's the next meeting', John Leonard, in summarizing the 2-day meetings:

First of all at the level of the meeting is very helpful, I think we expanded our horizons a little bit, we were going down a pathway that may not have been optimal for this type of therapy, and I think the new thinking is very helpful. Now it comes back to the company, and I think we have to ask ourselves some tough questions about Abbott Laboratories and ED. Is this going to be a 724 story, or is this going to be a long-term approach with a D4 in general?

I can just tell you, this is the season that we go through our planning processes and budgeting and all that, and I am glad that Jeff could join us, because I know in some private conversations he and I have had we see a focus with therapy valuable, thinking about some of the potentials that we hadn't really thought about previously, I'd hope that there's avenues to stay engaged with the group, and I don't know the urological calendar and things like that in terms of what meetings you guys typically go to... (p. 124)

A December 20, 2002 letter from Tom Lyons (JH001054) provides an "Annual Progress Report (November 2002)" for ongoing compounds, "2002 Y/E Estimate for JH Development Portfolio", and an "R&D Costs and Development Timeline 2003 Plan" that includes projected costs as well as a "Timeline" of projected launch dates (JH001058). The projected launch date in the 2002 Plan was 3Q2008 and the updated 2003 projected launch date is "TBD". The progress report provided for ABT-724 is:

"ABT-724. Currently there is one Phase I study ongoing with 32 patients enrolled. An extension of this study is expected to begin in December of 2002 and continue into 2003. In addition, 2002 completed studies included both pre-clinical toxicology and metabolism studies. Due to overall funding constraints as well as strategic priorities, **no new studies/work are currently funded in 2003 for ABT-724**. If additional funding does become available, ABT-724 will be considered." [emphasis added]

The updated spending plan for ABT-724 in 2003 is \$0.1M (JH001058) or \$75,000 on a more detailed worksheet (JH001064).

2003

A spreadsheet, "Historical NMEs, May 2003" provides a summary of various compounds. For ABT-724, a "metric" of "Product Pipeline Status" is shown as "terminated, Jul-01". There appear to be other activities that took place in 2002, for example: "DDC Meeting Dec-02" and "Start of first GLP animal tox study Jul-02".

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A report/spreadsheet, "NME In Development, May 2003" is similar to the spreadsheet above.

A letter dated November 12, 2003 from James L. Tyree, Abbott, Vice President, Global Licensing/New Business Development, (JH001283), provides an update to spending program by compound by year for 2001 through 2005 (JH001284). On the following report "Hancock Collaboration, Spending by Program, in millions of dollars", ABT-724 is not listed with other compounds that incurred expenses in 4Q2002 or for total year spending for 2003 (JH001285).

A schedule, "Global Pharmaceutical Research and Development, December 2003 Finance Summary, Development Programs Spending, \$ (thousands)" reports 2003 actual and 2003 Update for ABT-724 to be 834 and 752, respectively.

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